

**PB# 98-03**

**DESTINTA THEATER  
AMENDED SITE PLAN**

**23-1-53.1 & 3**

98 - 3 DESTINTA Theaters Americas S.P.  
Saulre Village (Kartiganer)  
Includes Lighting Plan

First Plan  
97-28  
98-3  
98-12 final  
Amend.

Approved 9/2/98

DATE January 22, 1998 RECEIPT NUMBER 98-3  
 RECEIVED FROM Joseph Angelotti  
 Address 8 Kearney Ave. - Whippany, NJ 07981  
Seven Hundred Fifty 00/100 DOLLARS \$ 750.00  
 FOR Site Plan Escrow

ACCOUNT		HOW PAID	
BEGINNING BALANCE	250 -	CASH	
AMOUNT PAID	250 -	CHECK	# 1437
BALANCE DUE	-0 -	MONEY ORDER	

BY Mural Mason, Secretary

DATE Jan 26, 1998 RECEIPT NUMBER 340949  
 RECEIVED FROM Joseph Angelotti  
 Address \_\_\_\_\_  
One Hundred 00/100 DOLLARS \$ 100.00  
 FOR P B # 98-3

ACCOUNT		HOW PAID	
BEGINNING BALANCE		CASH	OK # 1438
AMOUNT PAID		CHECK	100.00
BALANCE DUE		MONEY ORDER	

BY Dorothy H. HansenBY Town Clerk

DATE July 1, 1998 RECEIPT NUMBER 297869  
 RECEIVED FROM Joseph B. Angelotti  
 Address \_\_\_\_\_  
One Hundred 00/100 DOLLARS \$ 100.00  
 FOR P/B Opposition Fee (#98-3)

ACCOUNT		HOW PAID	
BEGINNING BALANCE		CASH	# 3112
AMOUNT PAID		CHECK	100.00

BY Town Clerk

DATE July 1, 1998 RECEIPT NUMBER 98-3  
 RECEIVED FROM Joseph Angelotti  
 Address 8 Kearney Dr. - Whippany, NJ  
Five 00/100 DOLLARS \$ 5.00  
 FOR Escrow Addition

ACCOUNT		HOW PAID	
BEGINNING BALANCE	5 -	CASH	
AMOUNT PAID	5 -	CHECK	# 344
BALANCE DUE	-0 -	MONEY ORDER	

BY Mural MasonDATE Oct 1, 1998RECEIPT NUMBER 98-3

Myra Mason, Secretary

DATE Jan 26, 1998 **RECEIPT** 340949  
 RECEIVED FROM Joseph Angelotti  
 Address \_\_\_\_\_  
One Hundred 00/100 DOLLARS \$ 100.00  
 FOR P.B. # 98-3

ACCOUNT		HOW PAID	
BEGINNING BALANCE		CASH	<u>OK # 1438</u>
AMOUNT PAID		CHECK	<u>100.00</u>
BALANCE DUE		MONEY ORDER	

Dorothy H Hansen

BY Town Clerk

Wilson Jones - Carbonless - S1654-NCR Duplicate - S1657-NCL Triplicate

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DATE July 1, 1998 **RECEIPT** 297869  
 RECEIVED FROM Joseph B. Angelotti  
 Address \_\_\_\_\_  
One Hundred 00/100 DOLLARS \$ 100.00  
 FOR P.P. Approval Fee (#98-3)

ACCOUNT		HOW PAID	
BEGINNING BALANCE		CASH	<u>OK # 1438</u>
AMOUNT PAID		CHECK	<u>100.00</u>
BALANCE DUE		MONEY ORDER	

Town Clerk

Wilson Jones - Carbonless - S1654-NCR Duplicate - S1657-NCL Triplicate

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DATE July 1, 1998 **RECEIPT** NUMBER 98-3  
 RECEIVED FROM Joseph Angelotti  
 Address 8 Kearney Dr. - Whippany, NJ  
Five 00/100 DOLLARS \$ 5.00  
 FOR Escrow addition

ACCOUNT		HOW PAID	
BEGINNING BALANCE	<u>5 -</u>	CASH	
AMOUNT PAID	<u>5 -</u>	CHECK	<u>#344</u>
BALANCE DUE	<u>- 0 -</u>	MONEY ORDER	

BY Myra Mason

Wilson Jones - Carbonless - S1654-NCR Duplicate - S1657-NCL Triplicate

DATE July 1, 1998 **RECEIPT** NUMBER 98-3  
 RECEIVED FROM Joseph Angelotti  
 Address 8 Kearney Dr. - Whippany, NJ 07981  
Four Thousand Five Hundred Sixty 35/100 DOLLARS \$ 4,516.35  
 FOR 2% Inspection fee (2% of \$225,817.50)

ACCOUNT		HOW PAID	
BEGINNING BALANCE	<u>4516 35</u>	CASH	
AMOUNT PAID	<u>4516 35</u>	CHECK	<u>343</u>
BALANCE DUE	<u>- 0 -</u>	MONEY ORDER	

BY Myra Mason

Wilson Jones - Carbonless - S1654-NCR Duplicate - S1657-NCL Triplicate

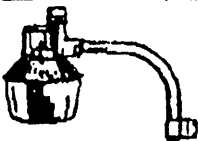




© Wilson Jones, 1989

Eng fee:  
679.50

To: Jim Marti.

Post-It* Fax Note	7671	Date	2/12/98	# of pages	1
To	Scott K.	From	THINK FLOWERS		
Co./Dept.	AS needed	Co.	Transitional Bldg.		
Phone #		Phone #	(714) 462-5404		
Fax #	562-8858	Fax #	5403		

Finance:  
 ① per pole 35' - DIRECT SET.  
 25' underground  
 Since top.

FIXTURE TYPE	LAMP TYPE	LAMP WATTS	LUMENS	AREA OF ILLUMINATION	PRICE	COMMENTS
	HPS	70	5,800	circle with 50' radius	\$ 9.99	Requires mounting on utility pole. Good for general area lighting.
POLE MOUNTED AREA LIGHT						
 COBRAHEAD LUMINAIRE	HPS	70	5,800	30'x70'	\$ 9.99	Fixture mounted on existing utility pole. Classic roadway fixture.
	HPS	150	16,000	60'x120'	14.69	
	HPS	250	27,000	100'x200'	18.82	
	HPS	400	50,000	200'x300'	24.34	
	HPS	1000	140,000	350'x550'	40.56	
COBRAHEAD LUMINAIRE						
	MH	400	36,000	60'x120'	\$18.60	Used where color rendering is critical. Good application for facade lighting. (For non-residential applications)
	MH	1000	110,000	60'x120'	32.40	
POLE MOUNTED FLOODLIGHT						
 CUTOFF RECTANGULAR	MH	175	14,000	30'x160'	\$22.90	This fixture includes a 35' fiber glass pole. Used in parking lot and street lighting. Requires underground service. (25 feet supplied with fixture; additional underground service extra)
	MH	250	20,500	30'x180'	27.75	
CUTOFF RECTANGULAR						
 COLONIAL POST-TOP LUMINAIRE	HPS	70	5,800	circle with 30' radius	\$13.45	This fixture includes a 20' fiber glass pole. Used in residential areas and walkways. Requires underground service. (25 feet supplied with fixture; additional underground service extra)
COLONIAL POST-TOP LUMINAIRE						

NOTES:

MH - Metal halide, HPS - High pressure sodium

An average 60 watt incandescent lamp provides 800 lumens.

Higher wattage fixtures provide higher illumination levels. "Area of Illumination" refers to minimum recommended illumination levels.

PLANNING BOARD  
TOWN OF NEW WINDSOR

AS OF: 10/05/98

PAGE: 1

LISTING OF PLANNING BOARD ACTIONS

STAGE:

STATUS [Open, Withd]  
A [Disap, Appr]

FOR PROJECT NUMBER: 98-3

NAME: DESTINTA THEATERS - ADDITION

APPLICANT: DESTINTA THEATERS

--DATE--	MEETING-PURPOSE-----	ACTION-TAKEN-----
09/21/98	PLANS STAMPED	APPROVED
05/13/98	DISCUSSED AT P.B. MEETING	LIGHTING PLAN
	. LIGHTING NEEDS TO BE APPROVED BY BOARD -	
02/11/98	P.B. APPEARANCE - PUB. HEARG	LA:ND APPR COND
	. NO PUBLIC COMMENT - PH CLOSED-LOTS MUST BE COMBINED PRIOR TO	
	. STAMP OF APPROVAL - NEED BOND ESTIMATE -	
01/28/98	P.B. APPEARANCE	SCHED. P.H.
01/21/98	WORK SESSION APPEARANCE	SUBMIT
01/07/98	WORK SESSION APPEARANCE	RETURN TO W.S.

PLANNING BOARD  
TOWN OF NEW WINDSOR

AS OF: 10/05/98

PAGE: 1

LISTING OF PLANNING BOARD **SEQRA** ACTIONS

FOR PROJECT NUMBER: 98-3

NAME: DESTINTA THEATERS - ADDITION  
APPLICANT: DESTINTA THEATERS

	DATE-SENT	ACTION-----	DATE-RECD	RESPONSE-----
ORIG	01/22/98	EAF SUBMITTED	01/22/98	WITH APPLICATION
ORIG	01/22/98	CIRCULATE TO INVOLVED AGENCIES	/ /	
ORIG	01/22/98	LEAD AGENCY DECLARED	02/11/98	TOOK L.A.
ORIG	01/22/98	DECLARATION (POS/NEG)	02/11/98	DECL. NEG. DEC.
ORIG	01/22/98	PUBLIC HEARING . 02-1-98 PUBLIC HEARING HELD -	01/22/98	SCHEDULE PH NO PUBLIC COMMENT - CLOSED
ORIG	01/22/98	AGRICULTURAL NOTICES	/ /	

PLANNING BOARD  
TOWN OF NEW WINDSOR

AS OF: 10/05/98

PAGE: 1

LISTING OF PLANNING BOARD **FEES**  
**4% FEE**

FOR PROJECT NUMBER: 98-3  
NAME: DESTINTA THEATERS - ADDITION  
APPLICANT: DESTINTA THEATERS

--DATE--	DESCRIPTION-----	TRANS	--AMT-CHG	-AMT-PAID	--BAL-DUE
07/01/98	2% OF \$225,817.50 INSPEC.FE	CHG	4516.35		
07/01/98	REC. CK. #343	PAID		4516.35	
			-----	-----	-----
		TOTAL:	4516.35	4516.35	0.00



PLANNING BOARD  
TOWN OF NEW WINDSOR

AS OF: 10/05/98

PAGE: 1

LISTING OF PLANNING BOARD **FEES**  
**APPROVAL**

FOR PROJECT NUMBER: 98-3

NAME: DESTINTA THEATERS - ADDITION  
APPLICANT: DESTINTA THEATERS

--DATE--	DESCRIPTION-----	TRANS	--AMT-CHG	-AMT-PAID	--BAL-DUE
07/01/98	S.P. APPROVAL FEE	CHG	100.00		
07/01/98	REC. CK. #342	PAID		100.00	
		TOTAL:	100.00	100.00	0.00

PLANNING BOARD  
TOWN OF NEW WINDSOR

AS OF: 10/05/98

PAGE: 1

LISTING OF PLANNING BOARD **FEES**  
**ESCROW**

FOR PROJECT NUMBER: 98-3

NAME: DESTINTA THEATERS - ADDITION  
APPLICANT: DESTINTA THEATERS

--DATE--	DESCRIPTION-----	TRANS	--AMT-CHG	-AMT-PAID	--BAL-DUE
01/21/98	REC. CK. #1437	PAID		750.00	
02/11/98	P.B. ATTY. FEE	CHG	35.00		
02/11/98	P.B. MINUTES	CHG	40.50		
07/01/98	P.B. ENGINEER FEE	CHG	679.50		
07/01/98	REC. CK. #344	PAID		5.00	
09/17/98	ADDIT. ENG. FEE/FILE REOPEN	CHG	112.50		
09/23/98	REC. CK. #4885 (IN PART)	PAID		112.50	
			-----	-----	-----
		TOTAL:	867.50	867.50	0.00

AS OF: 09/17/98

PAGE: 1

## CHRONOLOGICAL JOB STATUS REPORT

JOB: 87-56

NEW WINDSOR PLANNING BOARD (Chargeable to Applicant)

CLIENT: NEWWIN - TOWN OF NEW WINDSOR

TASK: 98- 3

FOR WORK DONE PRIOR TO: 09/17/98

										-----DOLLARS-----			
TASK-NO	REC	--DATE--	TRAN	EMPL	ACT DESCRIPTION-----	RATE	HRS.	TIME	EXP.	BILLED	BALANCE		
98-3	124597	01/07/98	TIME	MJE	WS DESTINA S/P	75.00	0.50	37.50					
98-3	124684	01/12/98	TIME	SAS	CL DESTINA LTR TO KARTI	28.00	0.50	14.00					
98-3	124990	01/13/98	TIME	MJE	FM SQUIRE W/APP	75.00	1.00	75.00					
98-3	125000	01/14/98	TIME	MJE	MC DESTINA PKG	75.00	0.40	30.00					
98-3	125051	01/19/98	TIME	PJH	MR DESTINA THEATER	75.00	1.50	112.50					
98-3	125146	01/21/98	TIME	MJE	WS SQUIRE VILLAGE	75.00	0.50	37.50					
98-3	125422	01/28/98	TIME	PJH	MR DESTINA DRAINAGE	75.00	2.00	150.00					
98-3	125483	01/28/98	TIME	MCK	CL D/RVW COMMENTS	28.00	0.50	14.00					
98-3	125811	01/28/98	TIME	MJE	MC DESTINA	75.00	0.80	60.00					
									530.50				
98-3	126803	01/31/98			BILL 98-231 2/13/98					-530.50			
										-530.50			
98-3	126712	02/10/98	TIME	MCK	CL DESTINA RVW COMM	28.00	0.50	14.00					
98-3	127347	02/10/98	TIME	MJE	MC SQUIRE THEATER	75.00	0.70	52.50					
98-3	128212	02/11/98	TIME	MJE	MC DESTINA COND S/P APP	75.00	0.10	7.50					
									74.00				
98-3	129308	02/28/98			BILL 98-357 3/16/98					-74.00			
										-74.00			
98-3	138414	07/01/98	TIME	MJE	MC PROJ CLOSEOUT	75.00	1.00	75.00					
									75.00				
98-3	139695	07/13/98			BILL 98-793 7/15/98					-75.00			
										-75.00			
98-3	141655	08/06/98	TIME	MJE	MC Final LTG plan/memo	75.00	0.50	37.50					
98-3	144605	08/27/98	TIME	MJE	MC DESTINA W/MYRA	75.00	0.30	22.50					
									60.00				
98-3	142001	08/10/98			BILL 98-898 8/10/98					-37.50			
										-37.50			
98-3	144979	09/17/98	TIME	MJE	MC Destina Closeout	75.00	0.70	52.50					
TASK TOTAL								792.00	0.00	-717.00	75.00		
GRAND TOTAL								792.00	0.00	-717.00	75.00		



McGOEY, HAUSER and EDSALL  
CONSULTING ENGINEERS P.C.

RICHARD D. McGOEY, P.E.  
WILLIAM J. HAUSER, P.E.  
MARK J. EDSALL, P.E.  
JAMES M. FARR, P.E.

- ☐ **Main Office**  
45 Quassaick Ave. (Route 9W)  
New Windsor, New York 12553  
(914) 562-8640
- ☐ **Branch Office**  
507 Broad Street  
Millford, Pennsylvania 18337  
(717) 296-2765

MEMORANDUM  
6 August 1998

TO: MYRA MASON, P.B. SECRETARY

FROM: MARK J. EDSALL, P.E., P.B. ENGINEER

SUBJECT: DESTINA SITE PLAN (98-3)

A handwritten signature in dark ink, appearing to read 'mje', is written over the 'FROM' line of the memorandum.

I have reviewed the final lighting plan from Central Hudson submitted in connection with Destina. The plan as stamped rec'd 7/6 is acceptable. It should be noted that the applicant has agreed with the Planning Board to adjust or replace all fixtures type 3 if they are objectionable after installation

I am not sure if this is the last item for this application, you can check and advise.

If this is the end, for your convenience I am attaching Our printout for review services.

MJE/st  
doc:myra8.6b

AS OF: 08/06/98

PAGE: 1

## CHRONOLOGICAL JOB STATUS REPORT

JOB: 87-56

NEW WINDSOR PLANNING BOARD (Chargeable to Applicant)

CLIENT: NEWWIN - TOWN OF NEW WINDSOR

TASK: 98- 3

FOR WORK DONE PRIOR TO: 08/06/98

										-----DOLLARS-----			
TASK-NO	REC	--DATE--	TRAN	EMPL	ACT	DESCRIPTION-----	RATE	HRS.	TIME	EXP.	BILLED	BALANCE	
98-3	124597	01/07/98	TIME	MJE	WS	DESTINA S/P	75.00	0.50	37.50				
98-3	124684	01/12/98	TIME	SAS	CL	DESTINA LTR TO KARTI	28.00	0.50	14.00				
98-3	124990	01/13/98	TIME	MJE	FM	SQUIRE W/APP	75.00	1.00	75.00				
98-3	125000	01/14/98	TIME	MJE	MC	DESTINA PKG	75.00	0.40	30.00				
98-3	125051	01/19/98	TIME	PJH	MR	DESTINA THEATER	75.00	1.50	112.50				
98-3	125146	01/21/98	TIME	MJE	WS	SQUIRE VILLAGE	75.00	0.50	37.50				
98-3	125422	01/28/98	TIME	PJH	MR	DESTINA DRAINAGE	75.00	2.00	150.00				
98-3	125483	01/28/98	TIME	MCK	CL	D/RVW COMMENTS	28.00	0.50	14.00				
98-3	125811	01/28/98	TIME	MJE	MC	DESTINA	75.00	0.80	60.00				
									530.50				
98-3	126803	01/31/98				BILL 98-231 2/13/98					-530.50		
												-530.50	
98-3	126712	02/10/98	TIME	MCK	CL	DESTINA RVW COMM	28.00	0.50	14.00				
98-3	127347	02/10/98	TIME	MJE	MC	SQUIRE THEATER	75.00	0.70	52.50				
98-3	128212	02/11/98	TIME	MJE	MC	DESTINA COND S/P APP	75.00	0.10	7.50				
									74.00				
98-3	129308	02/28/98				BILL 98-357 3/16/98					-74.00		
												-74.00	
98-3	138414	07/01/98	TIME	MJE	MC	PROJ CLOSEOUT	75.00	1.00	75.00				
									75.00				
98-3	139695	07/13/98				BILL 98-793 7/15/98					-75.00		
												-75.00	
98-3	141655	08/06/98	TIME	MJE	MC	Final LTG plan/memo	75.00	0.50	37.50				
TASK TOTAL									717.00	0.00	-679.50	37.50	
GRAND TOTAL									717.00	0.00	-679.50	37.50	

**Bonding Engineering Cost Estimate for Squire Commercial Improvements  
for Destinta Theatres Date 2/15/98- Approval granted 2/11/98 for 12 Plex Theater**

Description of item	Quantity	Units	Unit cost	Total Cost
<b>1. Soil Erosion Control</b>				
a. Silt fence	1000	lf	\$3.50	\$3,500.00
subtotal				\$3,500.00
<b>2. Site Preparation</b>				
a. Site clearing	2.8	ac	\$2,500.00	\$7,000.00
subtotal				\$7,000.00
<b>3. Earthwork</b>				
a. stripping & stockpiling of topsoil	6800	cy	\$2.50	\$17,000.00
b. cut to grade	1500	cy	\$2.75	\$4,125.00
c. fine grading	2.8	ac	\$2,500.00	\$7,000.00
d. select fill	2000	cy	\$10.00	\$20,000.00
subtotal				\$48,125.00
<b>4. Site Improvements</b>				
a. concrete curb	3000	lf	\$13.00	\$39,000.00
b. concrete sidewalk	1300	sf	\$5.00	\$6,500.00
c. pavement resurface 2"	18155	sf	\$6.00	\$108,930.00
d. new pavement	10192	sy	\$12.50	\$127,400.00
e. Parking lot striping	576	ea stall	\$15.00	\$8,640.00
f. stop bars	30	ea	\$50.00	\$1,500.00
g. arrows	18	ea	\$30.00	\$540.00
h. fire striping	850	lf	\$5.00	\$4,250.00
subtotal				\$296,760.00
<b>5. Storm drainage</b>				
a. new catch basins	6	ea	\$1,000.00	\$6,000.00
b. reset catchbasins	4	ea	\$400.00	\$1,600.00
c. clean existing storm drains	1	LS	\$4,000.00	\$4,000.00
d. new SWCP pipe	408	lf	\$20.00	\$8,160.00
subtotal				\$19,760.00
<b>6. Landscaping</b>				
a. major trees	73	ea	\$200.00	\$14,600.00
b. island landscaping	13	ea	\$600.00	\$7,800.00
c. topsoil, seeding & mulch	4500	cy	\$1.00	\$4,500.00
subtotal				\$26,900.00
<b>7. Site Lighting</b>				
a. pole foundations (24" dia)	25	ea	\$400.00	\$10,000.00
b. Light pole 30' w/400w MH luminaire	25	ea	\$2,500.00	\$62,500.00
c. Underground feeder cable	3800	ea	\$8.00	\$30,400.00
subtotal				\$102,900.00
<b>8. New sewer connection</b>				
a. 8" pvc sanitary line	566	ea	\$35.00	\$19,810.00
b. new manholes	3	ea	\$2,000.00	\$6,000.00
c. connection of existing services	1	LS	\$5,000.00	\$5,000.00
subtotal				\$30,810.00
<b>9. New water line</b>				
a. 8" DI water line	460	ea	\$45.00	\$20,700.00
b. fire hydrants	2	ea	\$2,000.00	\$4,000.00
subtotal				\$24,700.00
<b>TOTAL</b>				<b>\$560,455.00</b>
Less site lighting*				\$102,900.00
Previous Estimate for 8 Plex- 9/39/97				\$334,637.50
Less site lighting*				\$83,500.00
Total additional work required for 12 Plex improvements				\$225,817.50
Less site lighting*				\$206,417.50

\*Note- site lighting to be provided by Central Hudson

OK - as per Mark 7/1/98

560,455.00  
 ↓  
 334,637.50  
 ---  
 225,817.50

2%  
 4516.35

SCOTT KARTIGANER, P.E.  
Civil/Environmental Engineer & Planners  
872 Westfield Street  
MIDDLETOWN, CT 06457  
(860) 346-6610

# LETTER OF TRANSMITTAL

DATE	2.16.98	JOB NO.	
ATTENTION	MARK EDSALL		
RE	DESTINY THEATRES.		

TO

Town of New Windsor

WE ARE SENDING YOU ☐ Attached ☐ Under separate cover via \_\_\_\_\_ the following items:

- ☐ Shop drawings ☐ Prints ☐ Plans ☐ Samples ☐ Specifications  
☐ Copy of letter ☐ Change order ☐ \_\_\_\_\_

COPIES	DATE	NO.	DESCRIPTION
1.			BOND ESTIMATE FOR ENTIRE COMPLEX.
1.			PLAN SET w/ REVISION PER CONDITIONAL FINAL APPROVALS —

THESE ARE TRANSMITTED as checked below:

- ☐ For approval ☐ Approved as submitted ☐ Resubmit \_\_\_\_\_ copies for approval  
☐ For your use ☐ Approved as noted ☐ Submit \_\_\_\_\_ copies for distribution  
☐ As requested ☐ Returned for corrections ☐ Return \_\_\_\_\_ corrected prints  
☐ For review and comment ☐ \_\_\_\_\_  
☐ FOR BIDS DUE \_\_\_\_\_ 19 \_\_\_\_\_ ☐ PRINTS RETURNED AFTER LOAN TO US

REMARKS

MARK -

PLEASE NOTE THAT AS PER THE UNDERSTANDING THE BOND  
ESTIMATE IS MADE FOR THE ENTIRE PROJECT EG. THE  
PREVIOUSLY APPROVED EXTERIOR & INTERIOR WORK w/  
ADDITIONAL WORKING.

SITE LIGHTING IS TO BE PROVIDED BY CENTRAL AUDITORIUM  
AND THIS ITEM IS SHOWN AS A DEDUCT ITEM FROM THE  
OWNER SUPPLIED IMPROVEMENTS.

1 SET OF PLANS IS ATTACHED w/ REVISIONS IN CADDED

COPY TO

FORWARD. SUBSEQUENT TO YOUR REVIEW I WILL FORWARD  
ADDITIONAL COPIES FOR P.D. STAMP.

SIGNED:

SCOTT KARTIGANER

**Bonding Engineering Cost Estimate for Squire Commercial Improvements  
for Destinta Theatres Date 2/15/98- Approval granted 2/11/98 for 12 Plex Theater**

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subtotal					\$3,500.00
<b>2. Site Preparation</b>					
a. Site clearing	2.8	ac	\$2,500.00	\$7,000.00	
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<b>3. Earthwork</b>					
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c. fine grading	2.8	ac	\$2,500.00	\$7,000.00	
d. select fill	2000	cy	\$10.00	\$20,000.00	
subtotal					\$48,125.00
<b>4. Site Improvements</b>					
a. concrete curb	3000	lf	\$13.00	\$39,000.00	
b. concrete sidewalk	1300	sf	\$5.00	\$6,500.00	
c. pavement resurface 2"	18155	sf	\$6.00	\$108,930.00	
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h. fire striping	850	lf	\$5.00	\$4,250.00	
subtotal					\$296,760.00
<b>5. Storm drainage</b>					
a. new catch basins	6	ea	\$1,000.00	\$6,000.00	
b. reset catchbasins	4	ea	\$400.00	\$1,600.00	
c. clean existing storm drains	1	LS	\$4,000.00	\$4,000.00	
d. new SWCP pipe	408	lf	\$20.00	\$8,160.00	
subtotal					\$19,760.00
<b>6. Landscaping</b>					
a. major trees	73	ea	\$200.00	\$14,600.00	
b. island landscaping	13	ea	\$600.00	\$7,800.00	
c. topsoil, seeding & mulch	4500	cy	\$1.00	\$4,500.00	
subtotal					\$26,900.00
<b>7. Site lighting</b>					
a. pole foundations (24" dia)	25	ea	\$400.00	\$10,000.00	
b. Light pole 30' w/400w MH luminaire	25	ea	\$2,500.00	\$62,500.00	
c. Underground feeder cable	3800	ea	\$8.00	\$30,400.00	
subtotal					\$102,900.00
<b>8. New sewer connection</b>					
a. 8" pvc sanitary line	566	ea	\$35.00	\$19,810.00	
b. new manholes	3	ea	\$2,000.00	\$6,000.00	
c. connection of existing services	1	LS	\$5,000.00	\$5,000.00	
subtotal					\$30,810.00
<b>9. New water line</b>					
a. 8" DI water line	460	ea	\$45.00	\$20,700.00	
b. fire hydrants	2	ea	\$2,000.00	\$4,000.00	
subtotal					\$24,700.00
<b>TOTAL</b>				<b>\$560,455.00</b>	
Less site lighting*				\$102,900.00	<b>\$457,555.00</b>
Previous Estimate for 8 Plex- 9/39/97				\$334,837.50	
Less site lighting*				\$83,500.00	\$251,137.50
Total additional work required for 12 Plex improvements				\$225,817.50	
Less site lighting*					<b>\$206,417.50</b>

\*Note- site lighting to be provided by Central Hudson



**RESULTS OF P.B. MEETING OF :**

5/12/98

**PROJECT:** *Destinta*

**P.B.#** *98-3*

**LEAD AGENCY:**

**NEGATIVE DEC:**

1. AUTHORIZE COORD LETTER: Y\_\_ N\_\_

M)\_\_ S)\_\_ VOTE: A\_\_ N\_\_

2. TAKE LEAD AGENCY: Y\_\_ N\_\_

CARRIED: YES\_\_ NO\_\_

M)\_\_ S)\_\_ VOTE: A\_\_ N\_\_

CARRIED: YES\_\_ NO\_\_

WAIVE PUBLIC HEARING: M)\_\_ S)\_\_ VOTE: A\_\_ N\_\_ WAIVED: Y\_\_ N\_\_

SCHEDULE P.H. Y\_\_ N\_\_

SEND TO O.C. PLANNING: Y\_\_

SEND TO DEPT. OF TRANSPORTATION: Y\_\_

REFER TO Z.B.A.: M)\_\_ S)\_\_ VOTE: A\_\_ N\_\_

RETURN TO WORK SHOP: YES\_\_ NO\_\_

**APPROVAL:**

M)\_\_ S)\_\_ VOTE: A\_\_ N\_\_ APPROVED: \_\_\_\_\_

M)\_\_ S)\_\_ VOTE: A\_\_ N\_\_ APPROVED CONDITIONALLY: \_\_\_\_\_

NEED NEW PLANS: Y\_\_ N\_\_

**DISCUSSION/APPROVAL CONDITIONS:**

*Discussed lighting*

*Mark & Scott to get together and work out lighting*

*Board members to check the light types at Colandrea Port. & Council T-H & discuss w/ Mark*



McGOEY, HAUSER and EDSALL  
CONSULTING ENGINEERS P.C.

RICHARD D. McGOEY, P.E.  
WILLIAM J. HAUSER, P.E.  
MARK J. EDSALL, P.E.  
JAMES M. FARR, P.E.

- ☐ **Main Office**  
45 Quassaick Ave. (Route 9W)  
New Windsor, New York 12553  
(914) 562-8640
- ☐ **Branch Office**  
507 Broad Street  
Milford, Pennsylvania 18337  
(717) 296-2765

**TOWN OF NEW WINDSOR  
PLANNING BOARD  
REVIEW COMMENTS**

**REVIEW NAME:** DESTINA THEATERS SITE PLAN AMENDMENT  
**PROJECT LOCATION:** UNION AVENUE AND ROUTE 94  
SECTION 23 - BLOCK 1 - LOTS 53.1 AND 3  
**PROJECT NUMBER:** 98-3  
**DATE:** 11 FEBRUARY 1998  
**DESCRIPTION:** THE APPLICATION PROPOSES AN 11,750 SQUARE FOOT ADDITION TO THE APPROVED THEATER BUILDING, AS WELL AS OTHER SITE IMPROVEMENTS. THE PLAN WAS PREVIOUSLY REVIEWED AT THE 28 JANUARY 1998 PLANNING BOARD MEETING. THE APPLICATION IS BEFORE THE BOARD FOR A PUBLIC HEARING AT THIS MEETING.

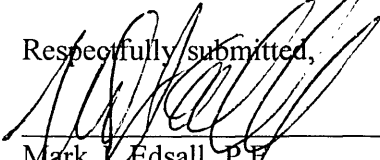
1. I have reviewed the latest plan submitted and have the following comments:
  - a. The engineer has dimensioned the shared access zones for the handicapped parking spaces in front of the former theater building as 8' width, but has not modified any other dimensions in the row of parking. A proper correction is required.
  - b. Upon receipt of the final plan, I will re-evaluate the landscaping legend and symbols for clarity, prior to stamp of approval.
2. A stormwater analysis has been submitted for the site. Based on our review, we believe no significant impacts will result from the proposed project.
3. The Planning Board may wish to make a **determination** regarding the type action this project should be classified under SEQRA and make a determination regarding environmental significance.
4. The Applicant is reminded that the individual lots must be combined as part of this site plan approval.

**TOWN OF NEW WINDSOR  
PLANNING BOARD  
REVIEW COMMENTS  
PAGE 2**

**REVIEW NAME:** DESTINA THEATERS SITE PLAN AMENDMENT  
**PROJECT LOCATION:** UNION AVENUE AND ROUTE 94  
SECTION 23 - BLOCK 1 - LOTS 53.1 AND 3  
**PROJECT NUMBER:** 98-3  
**DATE:** 11 FEBRUARY 1998

5. The Applicant is reminded that a Bond Estimate must be submitted for the site plan in accordance with Paragraph A(1)(g) of Chapter 19 of the Town Code.
6. At this time, I am aware of no reason why the Planning Board could not consider this application for conditional site plan approval, based on the items noted above and the other conditions identified by the Planning Board.

Respectfully submitted,

  
\_\_\_\_\_  
Mark J. Edsall, P.E.  
Planning Board Engineer

MJEmk

A:DESTINA2.mk

DESTINA THEATERS AMENDED SITE PLAN (98-3) ROUTE 94

Mr. Scott Kartiganer appeared before the board for this proposal.

MR. PETRO: Once again, we'll review this first as a board and open it up for a public hearing.

MR. KARTIGANER: This is a plan for 11,750 square foot addition to the apex cinema, we'll be adding four additional cinemas, the work includes modifications of the parking, we had to add additional parking as you recall to the rear of the property on a 3.07 acre parcel of property which is currently owned by the same landowner. That lot line will be eliminated. The overall project includes repaving of the existing parking areas that have deteriorated improving the drainage adding landscaping, improving the lighting, generally totally cleaning up the site. What we have added since, what we added was the 8 inch water line for fire protection with two hydrants near the rear of the where the theaters are, and we're revising the sewer, the sanitary sewer connection, we're connecting it to Union Avenue, clarifying that the commercial building's sewer connection and dislocating it from the combined sewer connection that includes the condos and the commercial site. That is really about it. If there's any questions from the board?

MR. PETRO: The total square footage it says existing building to be converted to a movie theater 31,861 square feet then existing building 15,7, existing 11 and a new one at 11,750 which adds up to considerably more than 31. Is that just a typo or am I seeing something wrong?

MR. KARTIGANER: No, the existing building is this yellow, the existing building to been convert to movie theaters 31,861 and we have 11,750 and 11,000.

MR. PETRO: I still don't understand the existing building, see underneath says existing 15,700.

MR. KARTIGANER: Right.

MR. PETRO: You add the addition here before the board 11,750.

MR. KARTIGANER: Right.

MR. PETRO: Then you have 11,000 in the old theater, that is what it says in the old theater here, well, if you add 11,750 and 15, it's still wrong, it's 27,000 something. Mark, do you follow me here?

MR. EDSALL: I know what you're asking and I'm not quite sure where he got the numbers.

MR. STENT: Isn't there an addition that is going on the back?

MR. PETRO: That is the 11,75.

MR. KARTIGANER: 31,861 is inclusive of the 11,750.

MR. ARGENIO: The addition in the back.

MR. KARTIGANER: Right.

MR. PETRO: Well, still doesn't add up, follow, if you take the existing building of 15,7 and add 11,750 to it, that is only--

MR. KARTIGANER: No, this is the existing building and it's perhaps not clear the existing building is what's not being constructed as part of this project, the existing movie, the existing A & P, former A & P building plus the 11,750 square foot is equal to 31,861, maybe that is not clear.

MR. LANDER: There's not a line on our print, not like you have shown there, that is why we're adding these up and it didn't work out right.

MR. KARTIGANER: It is, in fact, all I have is the footprints of the existing buildings without the demarcations.

MR. PETRO: 31,000, 15,000 and 11,000.

MR. KARTIGANER: That's right and that is not clear.

MR. PETRO: So almost 60,000 square feet of building.

MR. ANGELOTTI: That is not correct, we're at 31 for 12 screens, the existing A & P, right now with the addition that we came before you on in the back end when we changed the stage speakers brought us to 20,400, this addition that we're requesting now is another 11,000 and change to bring 12 screens and total setting of about 1,600 to 31,000 and change, that is all for everything.

MR. PETRO: The plan is not saying that though.

MR. KARTIGANER: Total coverage a 7850 square feet.

MR. ANGELOTTI: We're calling out the entire contiguous run at that, including the old theater is 11, the out parcel bank is 29 but our take right here, the 21861 is the total square footage for us.

MR. PETRO: Just the theater is what you're saying?

MR. KARTIGANER: Just the theater.

MR. PETRO: Plus the 15,7 and the other buildings plus the 11.

MR. KRIEGER: But it isn't clear because you have two things saying existing building.

MR. PETRO: I don't know how important all this is.

MR. EDSALL: Jim, if you want to get more confused, you can try to add up the parking table square footages but one thing that you keep in mind, we looked at it on the basis for the parking of bringing in all the different uses which is something Mike and I and Scott and the applicant were happy with at the end, we did break it up use by use but I'm not quite sure if you add up all the individual buildings, square footages under the parking table you're going to get any of these numbers but--

MR. PETRO: But we know the parking is correct?

MR. EDSALL: We know the parking is what you have to meet the code with.

MR. PETRO: Better shape than you were with the first approval, I remember you saying that.

MR. EDSALL: Yes.

MR. PETRO: Storm water analysis has been submitted for the site, we believe no significant impacts will result from the project, looks like we have gone over most everything. Again, this is an amended site plan just for the addition, keep in mind, gentlemen, they already had a final approval for this project without the 11,750 square foot addition so that is what we're looking at and the additional parking to cover the addition, this is a public hearing. What I am going to do now is open it up to the public and then we'll come back to the board. On January 29, 1998, 12 addressed envelopes containing the attached hearing notice did go out. If there's anyone here that would like to speak on behalf of this application, would you please raise your hand, be recognized by the chair, come forward and state your case? Is there anyone here that would like to speak on behalf of this application? Seeing that nobody is here to speak, I will take a motion to close the public hearing.

MR. STENT: So moved.

MR. LANDER: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board close the public hearing for the Destina Theater amended site plan.

ROLL CALL

MR. ARGENIO	AYE
MR. STENT	AYE
MR. LANDER	AYE
MR. PETRO	AYE

MR. PETRO: I'd like to reopen it up to the board. We have--where is the highway and fire?

MR. EDSALL: I don't think he needs it cause there's a county and state road around it.

MR. LANDER: He even gives his input on a state road though Mark.

MR. PETRO: Fire department.

MR. EDSALL: Bob definitely reviewed it, let me check see if I have a copy.

MR. PETRO: He did review it, this is 1/28/98.

MR. EDSALL: Conditional approval on January 28 and his condition was the size of the fire line.

MR. PETRO: Put that in the minutes.

MR. LANDER: Mr. Kartiganer, right behind this proposed addition here, there's a cut through for Squire Village, how are you going to deal with that? Is there going to be a fence back here? Are you going to do it with landscaping?

MR. KARTIGANER: This area in the back, this is where the cut through is for Squire Village, what we have there we're putting in some curbing, actually in this area and we're putting in landscaping along that whole area there.

MR. LANDER: That was my only, I was over there the other day.

MR. KARTIGANER: They use that as an access to the rear of the building.

MR. PETRO: You made the reconfiguration of the parking as we discussed opening up a couple of those.

MR. KARTIGANER: Yeah, we opened it up and we have the parking goes around in this area for the traffic pattern.



MR. LANDER: The house is going, right?

MR. KARTIGANER: The house is going.

MR. KARTIGANER: It gives you a gauge of the extent where the parking is going.

MR. PETRO: This applicant is reminded that the individual lots must be combined as part of this site plan approval. You're aware of that?

MR. KARTIGANER: Right.

MR. PETRO: The way we're going to do that, the final plan won't be stamped or signed until we have that in the records. Okay?

MR. KARTIGANER: Right.

MR. PETRO: So we can continue on tonight.

MR. STENT: Make a motion we declare negative dec.

MR. LANDER: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board declare negative dec under the SEQRA process for the Destina Theater site plan amendment. Is there any further discussion? If not, roll call.

ROLL CALL

MR. ARGENIO	AYE
MR. STENT	AYE
MR. LANDER	AYE
MR. PETRO	AYE

MR. LANDER: We didn't change any of these curb cuts on the 94 or Union Avenue, right Scott?

MR. KARTIGANER: Not at all.

MR. LANDER: Doesn't have to go back to DOT for anything, you do have DOT approval, don't we? Well, that was on the original.

MR. PETRO: That is on the original, this is not affected by this amendment.

MR. LANDER: We have been over this a number of times.

MR. PETRO: Did we take lead agency?

MR. EDSALL: I didn't see a record that you had actually, there are no other involved agencies, so you can do that as just pro forma, you can get it over with.

MR. LANDER: Make a motion Town of New Windsor Planning Board take lead agency.

MR. STENT: Second it.

MR. PETRO: Motion has been made and second that the New Windsor Planning Board declare itself lead agency for the Destina Theater site plan amendment on Route 94. This will precede the SEQRA process that we just did, even though we did it in reverse. Is there any further discussion from the board members? If not, roll call.

ROLL CALL

MR. ARGENIO	AYE
MR. STENT	AYE
MR. LANDER	AYE
MR. PETRO	AYE

MR. PETRO: Applicant is reminded that a bond estimate must be submitted for the site plan and I think that is as far as we can go. Do any of the members have any other outstanding questions at this time?

MR. STENT: Give conditional site plan approval subject to.

MR. LANDER: I don't see why not, we have only got a

couple of subject-to's, combine the lots.

MR. EDSALL: Very minor corrections on my end.

MR. PETRO: Combine the lots and the bond.

MR. LANDER: Make a motion that we approve the Destina Theater amended site plan subject to combined estimate and combining the lots.

MR. EDSALL: Why don't you add in the plan corrections on a final plan. We have got a couple minor corrections and I think we're going to review to make sure it is all on.

MR. KARTIGANER: Well, yeah, the plan that you have has it done by hand but we're doing it.

MR. EDSALL: One of the difficulties we have been trying to work out at the workshop for the landscaping legend, it's tough to follow, so I want to make sure the final plan we get in you can read.

MR. ARGENIO: We should probably clear up the square footage of the building.

MR. PETRO: At least draw the line on there, get that straightened out, it's very confusing.

MR. LANDER: Because I see on here proposed project and it has on here building coverage 57,000 square feet.

MR. KARTIGANER: 57850.

MR. LANDER: That is if I add all these number up, I will come to that.

MR. PETRO: Theater just 31,000 instead of existing building, you handle it, just make it right. We have a motion before the board, it's been seconded for final approval for Destina Theater site plan amendment.

MR. EDSALL: I hate to add things on, one of the things that the applicant is committed to and we should have in the record is they weren't internally doing their

lighting design, they were having Central Hudson prepare the plan, that would give us the isolux curves for the site, as the lights are shown here, condition that we go with them on record that it be a lighting level that is consistent with the town's general requirements, they have committed to do it already.

MR. LANDER: So moved.

MR. PETRO: We have the motion. Is there a second?

MR. ARGENIO: Second it.

MR. PETRO: Motion has been made and seconded.

ROLL CALL

MR. ARGENIO	AYE
MR. STENT	AYE
MR. LANDER	AYE
MR. PETRO	AYE

# Public Hearing

## RESULTS OF P.E. MEETING

DATE: February 11, 1998

PROJECT NAME: Destinta Theaters - Amendment PROJECT NUMBER 98-3

\*\*\*\*\*

LEAD AGENCY:

\* NEGATIVE DEC:

M) LN S) S VOTE: A 4 N 0

\* M) S S) LN VOTE: A 4 N 0

CARRIED: YES ✓ NO       

\* CARRIED: YES: ✓ NO       

\*\*\*\*\*

PUBLIC HEARING: M)     S)     VOTE: A     N    

WAIVED: YES     NO    

SEND TO OR. CO. PLANNING: M)     S)     VOTE: A     N     YES     NO    

SEND TO DEPT. OF TRANSPORT: M)     S)     VOTE: A     N     YES     NO    

DISAPP: REFER TO Z.E.A.: M)     S)     VOTE: A     N     YES     NO    

RETURN TO WORK SHOP: YES     NO    

APPROVAL:

M)     S)     VOTE: A     N     APPROVED:    

M) LN S) A VOTE: A 4 N 0 APPR. CONDITIONALLY: 2/11/98

NEED NEW PLANS: YES     NO    

DISCUSSION/APPROVAL CONDITIONS:    

No Public Comment - P.H. Closed

Combine Lots - before plans stamped

Bond Est.

Correct final as per Mark E.

Approval of Lighting



# TOWN OF NEW WINDSOR

555 UNION AVENUE  
NEW WINDSOR, NEW YORK 12553

## NEW WINDSOR PLANNING BOARD REVIEW FORM

TO: FIRE INSPECTOR, D.O.T., WATER, SEWER, HIGHWAY

PLEASE RETURN COMPLETED FORM TO:

MYRA MASON, SECRETARY FOR THE PLANNING BOARD

PLANNING BOARD FILE NUMBER: 98 - 3

DATE PLAN RECEIVED: RECEIVED JAN 2 6 1998

The maps and plans for the Site Approval ✓

Subdivision \_\_\_\_\_ as submitted by

\_\_\_\_\_ for the building or subdivision of

SQUIRE VILLAGE SHOPPING CENTER has been

reviewed by me and is approved ✓

disapproved \_\_\_\_\_

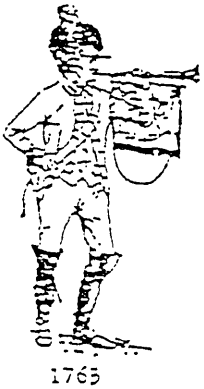
If disapproved, please list reason \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

HIGHWAY SUPERINTENDENT \_\_\_\_\_ DATE \_\_\_\_\_

WATER SUPERINTENDENT \_\_\_\_\_ DATE \_\_\_\_\_

[Signature] 2/17/98  
SANITARY SUPERINTENDENT \_\_\_\_\_ DATE \_\_\_\_\_



# TOWN OF NEW WINDSOR

555 UNION AVENUE  
NEW WINDSOR, NEW YORK 12553

## NEW WINDSOR PLANNING BOARD REVIEW FORM

TO: FIRE INSPECTOR, D.O.T., WATER, SEWER, HIGHWAY

RECEIVED

PLEASE RETURN COMPLETED FORM TO:

JAN 28 1998

MYRA MASON, SECRETARY FOR THE PLANNING BOARD

N.W. HIGHWAY DEPT.

PLANNING BOARD FILE NUMBER:

98 - 3

DATE PLAN RECEIVED:

RECEIVED JAN 26 1998

The maps and plans for the Site Approval ☒

Subdivision \_\_\_\_\_ as submitted by

\_\_\_\_\_ for the building or subdivision of

\_\_\_\_\_ has been

reviewed by me and is approved ☒

disapproved ☐

If disapproved, please list reason \_\_\_\_\_

W. James Sullivan  
HIGHWAY SUPERINTENDENT

2/11/98  
DATE

\_\_\_\_\_  
WATER SUPERINTENDENT

\_\_\_\_\_  
DATE

\_\_\_\_\_  
SANITARY SUPERINTENDENT

\_\_\_\_\_  
DATE

Linda Ostner  
(914) 561-1096  
66 Union Avenue  
New Windsor, NY 12553

June 18, 1998

James Petro  
New Windsor Planning Board Office  
555 Union Avenue  
New Windsor, NY 12553

Dear Jim:

I stopped by the Planning Board Office today to review the site plan for the theater project at Squire Village on Quassaick Avenue and Union Avenue. The reason being I have some concerns regarding the landscaping that will be take place on this project. I am not opposed in anyway to the development of this site, however I do have a problem with what is to become of the residence at 69 Union Avenue. When notified of a hearing concerning the proposed development of a theater it was not made clear that that would also include the residence at 69 Union Avenue. As displayed on the site plan it is to become a parking lot with parking spaces facing directly at my neighbor's homes and mine. The plan shows trees will be planted along Union Avenue across from our homes, however they appear to be widely spaced and depending on the variety will not fulfill the parameters of my request.

My request is that evergreen trees both high and low growing be planted strategically along Union Avenue so as to create a barrier that will obstruct our view of the buildings and parking lot, keep car headlights from shining into our homes and also create a wind and sound barrier. We have lived down not across the street from a parking lot for twenty years. If I had known that this project included the removal of the residence at 69 Union Avenue and all the trees around it I would have notified you sooner. I believe this is a very fair request and would appreciate you contacting me as soon as possible to let me know what you can do for us and what I can do to be sure this request if fulfilled.

Sincerely,



Linda Ostner

RECEIVED JUN 18 1998 *md*



ROBERT BECHT

ATTORNEY AT LAW  
24 North Park Terrace  
Congers, N.Y. 10920  
(914) 268-5601

Mahwah Office  
10 Industrial Avenue  
Mahwah, New Jersey 07430  
(201) 327-2878

Admitted N.Y. and N.J.

April 27, 1998

New Jersey Office  
999 McBride Avenue - Suite 206  
West Paterson, New Jersey 07424  
(973) 890-5677  
FAX: (973) 890-5466

James Petro  
Chairman, Planning Board  
Town of New Windsor  
Town Hall  
555 Union Avenue  
New Windsor, New York 12553-7406

Re: Squire Village Condominium

Dear Mr. Petro:

Please be advised that this office represents the Board of Managers of Squire Village Condominium ("the Condominium Board"). In this capacity, they have requested that I undertake an investigation of the facts and circumstances surrounding the construction and renovation now taking place at the shopping center/cinema project adjacent to the Squire Village Condominium Complex ("the Project"). The Condominium Board was particularly concerned with how construction could have commenced without notification to the Condominium Board and the unit owners. The investigation of the approval process indicates that no notice, as required by statute, was given to either the Condominium Board or the unit owners.

According to the information available, it would appear that no statutory notice was attempted with reference to the individual unit owners and the purported notice to the Condominium Board was sent to "Emerald Management," an entity which does not represent the interests of the Condominium Board. Clearly, the Town of New Windsor had actual notice of the entity representing the interests of the Condominium Board since, at the relevant time, it had commenced an action, Case No. 97120229 ("the Case"), against the Condominium Board and served the appropriate representative of the Condominium Board. That action was voluntarily dismissed contemporaneously with the approval of the Project, although the Condominium Board did not know at the time the reason for the dismissal. The Condominium Board now concludes that the issues related to the Case were in fact the subject of ongoing discussions necessary for the approval of the Project. Those issues could have been addressed and discussed with the Condominium Board during the approval process without the necessity of the commencement of the Case and the

April 27, 1998  
page -2-  
Town of New Windsor

Re: Squire Village Condominium

costs and expenses associated with the defense of the claim being asserted.

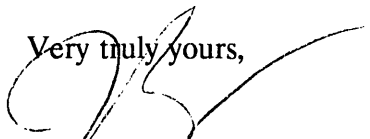
This letter is notification to all parties concerned that all work on the Project must be terminated until the Condominium Board and the unit owners have received the statutory notification and provided the opportunity to participate, through a public hearing, in the decision making process.

The Condominium Board has serious concerns relating to the easement for sewer for a portion of the Complex which traverses the Project. In addition, had proper notification, or any notification, been forwarded, as required by statute, the Condominium Board and the unit owners could have participated in the planning process as allowed by statute and assured that adequate provisions had been made for the sewer line. The failure to notify the Condominium Board and the unit owners has circumvented this process and has caused, and will in the future cause, significant damages to the Condominium Board and the unit owners.

In addition, it is the Condominium Board's contention that issues relating to the installation of a buffer between the commercial and the residential uses of the properties were not adequately provided for in the final approval so as to assure the protection of the residential nature of the Complex. Had notice been provided, as required by statute, those issues would have been brought to the attention of the Planning Board by the professionals retained by the Condominium Board.

As stated above, this letter shall constitute demand that an immediate cease and desist order be used pending resolution of the matter.

Very truly yours,



ROBERT BECHT

RB/hs  
George Meyers, Supervisor  
Andrew Krieger, Esq. Planning Board attorney  
Board of Managers, Squire Village Condominium

For J. Petro

cc: PAC

ANDREW S. KRIEGER  
ATTORNEY AT LAW  
219 QUASSAICK AVENUE  
SQUIRE SHOPPING CENTER, SUITE 3  
NEW WINDSOR, NEW YORK 12553  
(914) 562-2333  
FAX (914) 562-2407

May 4, 1998

Robert Becht, Esq.  
24 North Park Terrace  
Congers, New York 10920

Re: Squire Village

Dear Mr. Becht:

In response to your letter of April 27, 1998, Mr. Petro, Chairman of the Planning Board has asked that I answer your letter.

With respect to notice, the usual practice is for the applicant to obtain a list from the tax assessor's office, pursuant to which list notices are sent. I have no reason to believe that that practice was not followed in this case and if it was followed, as presumably it was, the list provided by the tax assessor must be complied with in order to satisfy the statute.

You have apparently confused the Planning Board with the Town Board. Notice to the Town or Town Board, actual, constructive or otherwise is not notice to the Planning Board. In order for the Planning Board to exercise its function as a quasi-judicial body it must not function as simply an extension of the Town. I can assure you that the decision of the Planning Board have not always been the decisions that would have been made by the Town Board and that the New Windsor Town Board has not been nor is it now an extension or "rubber stamp" for Town Board determinations.

Robert Brecht, Esq.

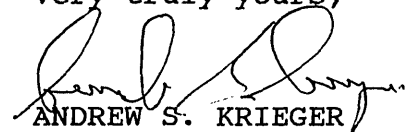
-2-

May 4, 1998

With respect to your "demand" for an immediate cease and desist order, the Planning Board, has to my knowledge, no power to issue such an order. If you wish to cite specific legal authority granting such power to this or any Planning Board I will be happy to review on behalf of the New Windsor Planning Board any materials or information which you submit.

Thank you.

Very truly yours,



ANDREW S. KRIEGER

ASK:mmt

cc: George Meyers, Supervisor  
James Petro, Chairman, NW Planning Board

MR. PETRO: I want to review the plan at least once, I know this is preliminary, he's going to change all the parking.

MR. EDSALL: You don't have an application yet.

MR. PETRO: Scott, when you come around with the parking when you connect it, you should connect all the way through so you have two ways out of the lot so it's not all funneling into that spot.

DESTINTA THEATRES  
125 East 71<sup>st</sup> Street  
New York, NY 10021  
Phone: 212-861-8871  
Fax: 212-734-4393

June 1, 1998

FROM: Larry Haber/Destinta Theatres

TO: ACCOUNTING DEPARTMENT

RE: 1997 AND 1998 OPEN ACCOUNTS

MEMO: We are in the process of consolidating 1997's activity. We will be submitting audited financial statements vis-a-vis our accounting firm, Wiss & Co., to our new financial partner, Sandler Capital Management. Although not yet audited, we will also be submitting 1998 records to date.

What I am in need of from you is two fold. Statements of all moneys paid to you in 1997 by Destinta, or by Joseph Angelotti, as well as all moneys paid to you in 1998, and any open contracts or invoices presently on your books.

Please include copies of all invoices/contracts with all statements.

I need this information by Friday, June 5, 1998.

**We appreciate your attention to the time pressures we are facing.**

Thank you for your cooperation.

DESTINTA THEATRES

Larry Haber/CFO

98-3  
98-12

PLANNING BOARD  
TOWN OF NEW WINDSOR

AS OF: 06/01/98

PAGE: 1

LISTING OF PLANNING BOARD FEES  
ESCROW

FOR PROJECT NUMBER: 97-28

NAME: SQUIRE VILLAGE COMMERCIAL CENTER-DESTINA THEATER  
APPLICANT: DESTINTA THEATERS

--DATE--	DESCRIPTION-----	TRANS	--AMT-CHG	-AMT-PAID	--BAL-DUE
/ /		PAID		0.00	
08/08/97	REC. CK. #172	PAID		750.00	
08/13/97	P.B. ATTY FEE	CHG	35.00		
08/13/97	P.B. MINUTES	CHG	76.50		
08/27/97	P.B. ATTY. FEE	CHG	35.00		
08/27/97	P.B. MINUTES	CHG	58.50		
09/24/97	P.B. ATTY. FEE	CHG	35.00		
09/24/97	P.B. MINUTES	CHG	45.00		
10/21/97	P.B. ENGINEER FEE	CHG	326.00		
11/12/97	P.B. ATTY. FEE	CHG	35.00		
11/12/97	P.B. MINUTES	CHG	18.00		
01/19/98	RET. TO APPLICANT	CHG	86.00		
		TOTAL:	750.00	750.00	0.00

PLANNING BOARD  
TOWN OF NEW WINDSOR

AS OF: 06/01/98

PAGE: 1

LISTING OF PLANNING BOARD FEES  
APPLICATION

FOR PROJECT NUMBER: 97-28

NAME: SQUIRE VILLAGE COMMERCIAL CENTER-DESTINA THEATER

APPLICANT: DESTINTA THEATERS

--DATE--	DESCRIPTION-----	TRANS	--AMT-CHG	-AMT-PAID	--BAL-DUE
08/08/97	S.P. APPLICATION FEE	CHG	100.00		
08/08/97	REC. CK. #173	PAID		100.00	
		TOTAL:	100.00	100.00	0.00



PLANNING BOARD  
TOWN OF NEW WINDSOR

AS OF: 06/01/98

PAGE: 1

LISTING OF PLANNING BOARD FEES  
APPROVAL

FOR PROJECT NUMBER: 97-28

NAME: SQUIRE VILLAGE COMMERCIAL CENTER-DESTINA THEATER

APPLICANT: DESTINTA THEATERS

--DATE--	DESCRIPTION-----	TRANS	--AMT-CHG	-AMT-PAID	--BAL-DUE
01/07/98	SITE PLAN APPROVAL FEE	CHG	100.00		
01/19/98	REC. CK. #1436	PAID		100.00	
			-----	-----	-----
		TOTAL:	100.00	100.00	0.00

PLANNING BOARD  
TOWN OF NEW WINDSOR

AS OF: 06/01/98

PAGE: 1

LISTING OF PLANNING BOARD FEES

~~4%~~ FEE  
2 1/2%

FOR PROJECT NUMBER: 97-28

NAME: SQUIRE VILLAGE COMMERCIAL CENTER-DESTINA THEATER  
APPLICANT: DESTINTA THEATERS

--DATE--	DESCRIPTION-----	TRANS	--AMT-CHG	-AMT-PAID	--BAL-DUE
01/07/98	2% OF \$319,037.50	CHG	6380.75		
01/19/98	REC. CK. #1435	PAID		6380.75	
		TOTAL:	6380.75	6380.75	0.00

PLANNING BOARD  
TOWN OF NEW WINDSOR

AS OF: 06/01/98

PAGE: 1

LISTING OF PLANNING BOARD FEES  
APPLICATION

FOR PROJECT NUMBER: 98-3

NAME: DESTINTA THEATERS - ADDITION  
APPLICANT: DESTINTA THEATERS

--DATE--	DESCRIPTION-----	TRANS	--AMT-CHG	-AMT-PAID	--BAL-DUE
01/21/98	S.P. APPLICATION FEE	CHG	100.00		
01/21/98	REC. CK. #1438	PAID		100.00	
		TOTAL:	100.00	100.00	0.00

PLANNING BOARD  
TOWN OF NEW WINDSOR

AS OF: 06/01/98

PAGE: 1

LISTING OF PLANNING BOARD FEES  
ESCROW

FOR PROJECT NUMBER: 98-3

NAME: DESTINTA THEATERS - ADDITION

APPLICANT: DESTINTA THEATERS

--DATE--	DESCRIPTION-----	TRANS	--AMT-CHG	-AMT-PAID	--BAL-DUE
01/21/98	REC. CK. #1437	PAID		750.00	
02/11/98	P.B. ATTY. FEE	CHG	35.00		
02/11/98	P.B. MINUTES	CHG	40.50		
			-----	-----	-----
		TOTAL:	75.50	750.00	-674.50

PLANNING BOARD  
TOWN OF NEW WINDSOR

AS OF: 06/01/98

PAGE: 1

LISTING OF PLANNING BOARD FEES  
APPLICATION

FOR PROJECT NUMBER: 98-12

NAME: DESTINTA THEATERS - SQUIRE VILLAGE SHOPPING CENT.  
APPLICANT: DESTINTA THEATERS

--DATE--	DESCRIPTION-----	TRANS	--AMT-CHG	-AMT-PAID	--BAL-DUE
05/11/98	S.P. APPLICATION FEE	CHG	100.00		
05/11/98	REC. CK. #297	PAID		100.00	
		TOTAL:	100.00	100.00	0.00

PLANNING BOARD  
TOWN OF NEW WINDSOR

AS OF: 06/01/98

PAGE: 1

LISTING OF PLANNING BOARD FEES  
ESCROW

FOR PROJECT NUMBER: 98-12

NAME: DESTINTA THEATERS - SQUIRE VILLAGE SHOPPING CENT.  
APPLICANT: DESTINTA THEATERS

--DATE--	DESCRIPTION-----	TRANS	--AMT-CHG	-AMT-PAID	--BAL-DUE
05/11/98	REC. CK. #296	PAID		750.00	
05/13/98	P.B. ATTY. FEE	CHG	35.00		
05/13/98	P.B. MINUTES	CHG	0.00		
			-----	-----	-----
		TOTAL:	35.00	750.00	-715.00

REGULAR ITEMS:

DESTINA THEATERS AMENDED SITE PLAN (98-3) QUASSAICK AVENUE

Mr. Scott Kartiganer appeared before the board for this proposal.

MR. PETRO: You're here to go over the plan little bit before we schedule a public hearing or we schedule it, correct, we're going to vote for that tonight.

MS. MASON: Yes.

MR. PETRO: There wasn't too many changes, was there?

MR. KARTIGANER: No, there wasn't, basically what we did just to remind the board, we brought the plan in for a discussion item initially. Following the discussion item, we had another workshop meeting before and also we have actually had two workshops meetings, I believe addressing most of the comments. We're putting in basically a parking area here as an extension. We have the 11,750 square foot addition, 640 seats, we have modified, we had a meeting out at the site where we clarified parking table and made the spaces reduced, the amount of dual use spaces down to 52 spaces. And we have adjusted the drainage, we took into consideration some of the comments by the town engineer and made some modifications to the drainage so that is basically the only differences that we have. The general layout of the parking area the additional parking is basically the same, we moved with the exception that we did is add a number of more spaces to reduce that number of dual use spaces.

MR. PETRO: All right, well, Mark has a host here of technical things.

MR. EDSALL: Clean-ups.

MR. PETRO: I don't really want to go over every one of these because they are technical and I think Scott, you can take care of them next time you come here.

MR. EDSALL: Maybe if I can just pick out the ones I think are pertinent for the board to discuss. The rest of them are just clean up items for the plan, for the public hearing, you may want to just discuss the fact that the parking dual use or the overlap has decreased.

MR. PETRO: I underlined that I see that in number one which is what we asked for.

MR. EDSALL: Yes, as you'll see in comment 2F, it's gone down to as I calculate it, added up the numbers, 49, so it looks like they have reduced it quite a bit from the original number which I believe was 67.

MR. BABCOCK: That is correct.

MR. PETRO: That is definitely in the right direction. I see that the Bank of New York I see a for sale sign, is that for sale or lease? Who owns it? Is it the same people who are going to own this?

MR. KARTIGANER: Skill owned by the owners of the entire project.

MR. PETRO: But it is for sale.

MR. KARTIGANER: I don't know if--do you know?

MR. ANGELOTTI: There is still time on the lease. What wound up happening they brought in Harold Kahn to see if he can try and find a tenant to take over the remainder of the time left on the lease, they have quite a bit of time left on the lease, though his goal is ultimately to lease it.

MR. PETRO: Bank of New York is still paying for the building, they are trying to get somebody to take the lease so you might have four years left?

MR. ANGELOTTI: Yes.

MR. PETRO: But it is not for sale, just being leased out?

MR. ANGELOTTI: That is correct.



MR. PETRO: It's not subdivided is the point I was making, okay, but it did look like a for sale sign.

MR. KARTIGANER: That is on a separate parcel, actually.

MR. PETRO: I don't see that. Want to show me that? That is on a separate parcel yet they are using the parking? How the hell did that ever happen?

MR. EDSALL: I guess it could have occurred as part of an agreement that bank would have use of parking so the good news is they are reserving parking to make sure to cover it, but how it got approved that way, your guess is as good as mine.

MR. PETRO: We can go down to Ducktown and start building pretty good.

MR. EDSALL: You'd be very successful in the building department.

MR. PETRO: The other thing I wanted to mention was Mark, you say the applicant is reminded that the individual lots must be combined as part of this subdivision approval and I see the lots should be combined, but what do you mean by subdivision approval?

MR. EDSALL: I meant site plan approval, it might be a typo, but there are two lots as I understand it and the fact that the required parking now spans across two lots, they'll have to meet the procedural requirements that Andy will set forth as to join the two lots.

MR. PETRO: We're looking at it as one parcel so they don't have, that will have to be done prior to any stamp. We're not going to go over everything. Mark, anything else that you think that you need our input on? I mean most of this looks like it needs to be done on the plan.

MR. EDSALL: As you said, it's mostly clean-up, as long as Scott has no problems that he wants to ask us, I see no reason to belabor the discussion.

MR. PETRO: What Myra is telling me what we're going to do is have a motion to require a public hearing for this, I'm going to ask the board if they would so deem that, I think we have already agreed on it at one time, but I think the date here, one minute, Ron, the date of February 11, Scott, means that you are going to need to have the corrected plans to her tomorrow. Is that going to be possible?

MR. LANDER: So moved.

MS. MASON: It goes in the paper tomorrow.

MR. KARTIGANER: We need the, well, I will make it possible, how many sets do you need?

MS. MASON: Do they have to go out for review?

MR. EDSALL: No, I don't think they have to, it's really the set that goes in the clerk's office and the balance we can get on a normal schedule.

MS. MASON: Okay, I need at lease two or three sets. Mark will have to get one and I will need at least one or two for the office.

MR. KARTIGANER: Okay.

MR. PETRO: We're going to go ahead with Mr. Lander's motion and once we follow through with that, we're going to schedule it for the 11 of February, if it doesn't happen and you can't do it, we'll just move it to the next meeting. I'm telling you now that if you need it for that date, that is what you need to do.

MR. KARTIGANER: I will get it done.

MR. PETRO: We're go going to schedule a public hearing now. Mr. Lander has made a motion to have a public hearing for the Destina Theater site plan amendment.

MR. LUCAS: Second it.

MR. PETRO: Motion has been made and seconded that the

January 28, 1998

8

New Windsor Planning Board have a public hearing for the Destina Theaters site plan amendment on Union Avenue Route 94. Is there any further discussion from the board members? If not, roll call.

ROLL CALL

MR. ARGENIO	AYE
MR. STENT	AYE
MR. LANDER	AYE
MR. LUCAS	AYE
MR. PETRO	AYE

MR. PETRO: That will be scheduled for 11 February '98, that is as far as we're going to go tonight.

MR. KARTIGANER: That is exactly what we want.



McGOEY, HAUSER and EDSALL  
CONSULTING ENGINEERS P.C.

RICHARD D. McGOEY, P.E.  
WILLIAM J. HAUSER, P.E.  
MARK J. EDSALL, P.E.  
JAMES M. FARR, P.E.

- ☐ **Main Office**  
45 Quassaick Ave. (Route 9W)  
New Windsor, New York 12553  
(914) 562-8640
- ☐ **Branch Office**  
507 Broad Street  
Milford, Pennsylvania 18337  
(717) 296-2765

**TOWN OF NEW WINDSOR  
PLANNING BOARD  
REVIEW COMMENTS**

**REVIEW NAME:** DESTINA THEATERS SITE PLAN AMENDMENT  
**PROJECT LOCATION:** UNION AVENUE AND ROUTE 94  
SECTION 23 - BLOCK 1 - LOT 53.1 AND 3  
**PROJECT NUMBER:** 98-3  
**DATE:** 28 JANUARY 1998  
**DESCRIPTION:** THE APPLICATION PROPOSES AN 11,750 SQUARE FOOT  
ADDITION TO THE APPROVED THEATER BUILDING, AS  
WELL AS OTHER SITE IMPROVEMENTS.

1. This amendment has been discussed on several occasions including Technical Work Sessions and a presubmission conference at the 10 December 1997 Planning Board meeting.

In general, the site plan package as submitted has addressed various concerns and comments of the Board and our office, with one important issue being available (provided) parking on the site. The parking table shown on the plan is provided as a result of a field meeting with the undersigned, the Building Inspector and representatives of the Applicant. With the new parking added, and the uses as indicated, this plan reduces the "overlap" parking from the previous plan (see additional comments below regarding parking calculations).

2. I have reviewed the plan and recommend that the Planning Board authorize the Public Hearing for the 11 February 1998 regular meeting, subject to correction of the plans as noted hereinbelow, and submission of an acceptable final stormwater analysis for the site.

My comments regarding a review of the plan are as follows:

- a. The shared cross-hatched zone for the parking spaces in front of the former theater building are of the incorrect width. 8' width is required.
- b. The "pavement striping note" on Sheet 1 of the drawings (actually notes), should be expanded to include a note indicating that all handicapped parking spaces shall be depicted using blue paint.

**TOWN OF NEW WINDSOR  
PLANNING BOARD  
REVIEW COMMENTS  
PAGE 2**

**REVIEW NAME:** DESTINA THEATERS SITE PLAN AMENDMENT  
**PROJECT LOCATION:** UNION AVENUE AND ROUTE 94  
SECTION 23 - BLOCK 1 - LOT 53.1 AND 3  
**PROJECT NUMBER:** 98-3  
**DATE:** 28 JANUARY 1998

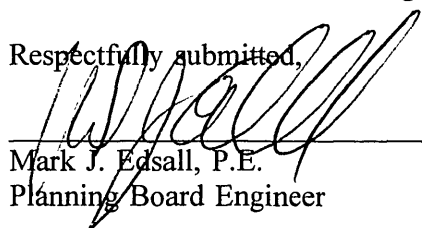
- c. The row of twenty seven (27) parking spaces in front of the east corner of the former theater building actually has twenty eight (28) parking spaces.
- d. The ductile iron watermain feeding the two (2) new hydrants on the south of the new theater must be fed with an 8" watermain, not 6" watermain.
- e. New piping shown on the easterly parking lot indicates CMP piping. It is recommended that the Applicant consider smooth-wall corrugated polyethylene.
- f. The parking table on Sheet 1 would appear to correctly total a maximum number of spaces required of six hundred twenty five (625) and a provided number of spaces of five hundred seventy six (576), leaving a "dual use" value of forty nine (49). Obviously, this is subject to any revisions made to the site plan.
- g. I question whether the pavement course thicknesses shown on the Detail Sheet S-2 are adequate. It may be advisable to upgrade the pavement to 2-1/2" dense binder with 1-1/2" top course.
- h. The plant list on Drawing S-2 is incomplete, as the quantity of each planting is not indicated.
- i. The detail landscaping on Sheet S-2 is understandable for the landscape islands. A surface finish to fill the landscape islands should be indicated (i.e. landscape cloth and stone or wood bark, etc.).
- j. The landscaping depicted on Sheet S-1 of the site plan is difficult to follow, as the symbols are somewhat difficult to distinguish and no plant abbreviations or quantity listings are noted. The plan should be revised to make understanding the proposed landscaping more functional.
- k. It was my understanding that the intent was to overlay existing areas of paving, such that the entirety of all parking will have a new surface. Please confirm same and indicate where the note reference to this requirement has been indicated.

**TOWN OF NEW WINDSOR  
PLANNING BOARD  
REVIEW COMMENTS  
PAGE 3**

**REVIEW NAME:** DESTINA THEATERS SITE PLAN AMENDMENT  
**PROJECT LOCATION:** UNION AVENUE AND ROUTE 94  
SECTION 23 - BLOCK 1 - LOT 53.1 AND 3  
**PROJECT NUMBER:** 98-3  
**DATE:** 28 JANUARY 1998

3. In addition to the plan review, a review is currently underway with regard to the stormwater analysis for the site. Preliminary comments have been provided and we are awaiting the submittal of a final stormwater management plan.
4. The Applicant is reminded that the individual lots must be combined as part of this subdivision approval.
5. The Planning Board should require that a **bond** estimate be submitted for this **Site Plan** in accordance with Paragraph A(1)(g) of Chapter 19 of the Town Code.

Respectfully submitted,

  
Mark J. Edsall, P.E.  
Planning Board Engineer

MJEmk

A:DESTINA.mk

In the Matter of Application for Site Plan/~~Subdivision~~ of

Applicant.

STATE OF NEW YORK )  
 ) SS.:  
COUNTY OF ORANGE )

That I am not a party to the action, am over 18 years of age and reside at 350 Bethlehem Road, New Windsor, NY 12553.

On January 29, 1998, I compared the 12 addressed envelopes containing the attached Notice of Public Hearing with the certified list provided by the Assessor regarding the above application for Site Plan/Subdivision and I find that the addressees are identical to the list received. I then mailed the envelopes in a U.S. Depository within the Town of New Windsor.

Myra L. Mason  
Myra L. Mason, Secretary for  
the Planning Board

29<sup>th</sup> day of January, 1998

Rebecca Green  
Notary Public)

AFFIMAIL.PLB - DISC#1 P.B.

LEGAL NOTICE

NOTICE IS HEREBY GIVEN that the PLANNING BOARD of the TOWN OF NEW WINDSOR, County of Orange, State of New York will hold a PUBLIC HEARING at Town Hall, 555 Union Avenue, New Windsor, New York on

FEBRUARY 11 1998 at 7<sup>30</sup> P.M. on the approval of the proposed \_\_\_\_\_ (Subdivision of Lands)\*

(Site Plan)\* OF DESTIUTA THEATERS - 11750 SF ADDITION

PARCELS 23-1-3  
23-1-53.1

located AT SQUIRE VILLAGE SHOPPING CENTER

Map of the (Subdivision of Lands)(Site Plan)\* is on file and may be inspected at the Planning Board Office, Town Hall, 555 Union Avenue, New Windsor, N.Y. prior to the Public Hearing.

Dated: JANUARY 22, 1998

By Order of

TOWN OF NEW WINDSOR PLANNING BOARD

James R. Petro, Jr.

Chairman

---

NOTES TO APPLICANT:

- 1). \*Select Applicable Item.
- 2). A completed copy of this Notice must be approved prior to publication in The Sentinel.
- 3). The cost and responsibility for publication of this Notice is fully the Applicants.



## RESULTS OF P.E. MEETING

DATE: January 23, 1925

PROJECT NAME: *Vertigo Theaters* PROJECT NUMBER *98-3*

\* \* \* \* \*

LEAD AGENCY: \* NEGATIVE DEC:

M) S) VOTE:A N \* M) S) VOTE:A N

CARRIED: YES NO \* CARRIED: YES: NO

\* \* \* \* \*

PUBLIC HEARING: M) LN S) LU VOTE: A 5 N 0

WAIVED: YES NO ✓

SEND TO OR. CO. PLANNING: M) S) VOTE: A N YES NO

SEND TO DEPT. OF TRANSPORT: M) S) VOTE: A N YES NO

DISAPP: REFER TO Z.E.A.: M) S) VOTE: A N YES NO

RETURN TO WORK SHOP: YES NO

APPROVAL:

M) S) VOTE: A N APPROVED:

M) S) VOTE: A N APPR. CONDITIONALLY:

NEED NEW PLANS:      YES                      NO

DISCUSSION/APPROVAL CONDITIONS:



1763

# TOWN OF NEW WINDSOR

## ASSESSOR'S OFFICE

555 UNION AVENUE  
NEW WINDSOR, NEW YORK 12553-6196  
Telephone: (914) 563-4633  
Fax: (914) 563-4693

January 9, 1998

Scott Kartiganer  
872 Westfield Street  
Middletown, CT 06457

RE: 23-1-53.1 & 23-1-3 & 23-1-4

Dear Mr. Kartiganer:

According to our records, the attached list of property owners for the above parcels are abutting and across any street.

The charge for this service is \$35.00.

Sincerely,

LESLIE COOK  
Sole Assessor

LC/cad

cc: Myra Mason, PB

Kostopoulos, Haralambos  
c/o Chevron Auto Repair  
267 N. Main St.  
Spring Valley, NY 10977 ✓

Minnick, Albert A. Jr.  
57 Kenwood Dr., Apt. B  
New Windsor, NY 12553 ✓

Sylvester, Francis J.  
Hudson Bluff Dr.  
Marlboro, NY 12542 ✓

Dicesare, Salvatore J. & Eleanor M.  
33 Ellison Dr.  
New Windsor, NY 12553 ✓

The Newburgh Woodlawn Cemetery Association  
93 Union Ave.  
New Windsor, NY 12553 ✓

Ray, James & Rosemarie  
62 Union Ave.  
New Windsor, NY 12553 ✓

Ostner, Richard & Linda  
66 Union Ave.  
New Windsor, NY 12553 ✓

Stout, Lee C. & Christine L.  
70 Union Ave.  
New Windsor, NY 12553 ✓

Callan, Michael A. & Rosemarie  
76 Union Ave.  
New Windsor, NY 12553 ✓

Paratore, Salvador & Irene Maria  
640 Corwin Ave.  
Glendale, CA 91206 ✓

McQuiston, Cathy D.  
82 Union Ave.  
New Windsor, NY 12553 ✓

Squire Village  
Board of Directors  
c/o Emerald Mgmt.  
P.O. Box 268, 2299 Route 9N  
Fishkill, NY 12524 ✓

*12 envelopes  
mailed 1/29/98*

PRESUBMISSION

DESTINA THEATERS AMENDED SITE PLAN - SQUIRE PLAZA

Mr. Scott Kartiganer appeared before the board for this proposal.

MR. PETRO: What's this for now I thought we did something last meeting?

MR. KARTIGANER: Yeah, we got approvals but we're back again.

MR. PETRO: That is a new application?

MR. KARTIGANER: It's going to be a new application, that's correct. What we're proposing presubmission discussion but what we're proposing to do for various reasons, not the least of which is to make the, is to add another 640 seats to the theater approximately 11,750 square feet of space in addition to the theater. The adjoining parcel to the overall Squire Shopping Center is approximately about 3 acre parcel that is owned by the same man that owns the shopping center, what we're proposing to do is take the 6 acre shopping center.

MR. PETRO: Excuse me, we have the wrong plans, so I think what we're going to need to do is--

MR. KARTIGANER: That is the only plan.

MR. PETRO: We'll keep this for now.

MR. KARTIGANER: That is the approved set of plans that you have.

MR. BABCOCK: You didn't submit those plans to us.

MR. EDSALL: Just for the record, I told him for presubmission conference, nothing formal, no comments.

MR. PETRO: Everybody can see that, no problem.

MR. KARTIGANER: In fact, what we have is still

collecting this running it over to the edge, actually another storm drain, we don't have the--but there's another 36 inch storm drain that comes over to here that ties into that creek that runs down across Union Avenue.

MR. PETRO: That would be the outlet of the detention pond or lower area that you'd create?

MR. KARTIGANER: Right, so what we'd be doing is having some sort of small detention pond for this area here and we want to take care of this by sheet flow. Now what we haven't done, what I want to do is keep the perimeter as green as possible. These are residential people over here. There's one house that is over here, we didn't show, pretty much a solid pavement over in this area, not a real aesthetic, it's a basic parking area for overflow parking. So I didn't show the curbs and whatnot and those are the some of the concepts that we'll be going over.

MR. PETRO: What's the reason for doing this now after we have gone through two steps of approvals?

MR. KARTIGANER: Part of that is, Joe's here,

MR. JOSEPH ANGELOTTI: Just the nature of the film business these days is you really need, it's based on the number of screens that you have. Right now, we have 8 plexes, I believe and we're adding another four more screens to make the a 12 plex.

MR. PETRO: What's changed now that wasn't changed months ago?

MR. KARTIGANER: Financing with the bank. Also other issues that as everybody's aware this is an older theater and what we're looking at doing, there's some actually utility items on the overall shopping center that actually should be improved, the sewer, coming here we're proposing to, even on this first phase of the project, to cut off the sewer and run it by gravity over to right down Union Avenue, there's an existing right now the feed, the sewer feed comes from here, goes through Squire.

presubmission, we don't have full topo over here, it's pretty general.

MR. PETRO: Outline what you're adding.

MR. KARTIGANER: What we're adding is the area in the light gray, we're adding a number of parking places and we're adding a number of parking places. We're going from the area that we set further access to the adjoining property, that is what we're coming in, we're trying to make this as simple as possible from the approval standpoint. We're not doing any other accesses to Union Avenue. It's purely as an auxiliary parking area. We're adding this section in this orange, we're adding this section to the building, we reviewed it with the fire and at a workshop meeting with the fire inspector and we're coming around the side of the building keeping 30 foot fire lane. We lost a number of parking spaces back here, we had to put them back in there.

MR. PETRO: What's the green scores up there?

MR. KARTIGANER: This green score, preliminary estimate if we have to do some detention area.

MR. PETRO: Well, that was the next thing I was going to say, you need to look into this, a lot of this site I'm sure everybody remembers drains to that area.

MR. KARTIGANER: That's correct.

MR. PETRO: So we're going to need something.

MR. KARTIGANER: That is going to be our issue, that is actually the primary issue what we wanted to do, in fact, we had gone over with Mark, this is going to be pretty much the active center, maybe during a few peak times during the year, during Thanksgiving or whatnot, we may start filling up putting some cars into the auxiliary area, what we wanted to do is keep this simple parking area paved, put in heavy rock border for keeping the sheet flow if we can this area here. Right now, this area of the theater there is sheet flow coming into this little forest over here, we'll be

MR. PETRO: Was that ever resolved?

MR. ANGELOTTI: Yes, we have Scott is going to be doing the G.C. on the job, which is Tri-Star Construction just really needs an invert. If you follow the pink line up to the corner, that is the last piece, but they are going to be submitting I guess to Mike probably in the next two weeks we're going to be, Scott wants to run through what we decided to do with the sewer.

MR. PETRO: Better keep your elevations in tact when you get the sewer crossing that CMP going through all that water.

MR. KARTIGANER: Exactly right, those are my issues. And in fact over here there is sort of a low area that is here that is a problem for the shopping center, we're going to be doing some filling in this area here so we can come out, these lines that are inside service, the rest of this mall be able to get in by gravity take us off of this combined joint use and a large pump station over here which there's apparently additional problems with the town.

MR. PETRO: They may be a different elevation than the original the floor elevation.

MR. KARTIGANER: Floor elevation is a little lower.

MR. ANGELOTTI: It's actually the same elevation as the lower three here, it's four feet below the slab elevations to get it to conform to ADA.

MR. PETRO: We have to--

MR. STENT: Scott, that green area getting back to that again on the top, that other property, is that the other property that the owner owns as well, that is a separate parcel?

MR. KARTIGANER: Separate parcel, what we'll be doing here is the lot line right there we'll be eliminating that lot line.

MR. STENT: You're looking to combine the parcels of land?

MR. KARTIGANER: Right, it will actually be a little over 9 acres, 9.25 acres.

MR. ANGELOTTI: If I can throw out for clarification purposes the sewer, regardless if the expansion is going to be granted or not, is going to be done, they'll come off that pump station. That is that. As far as the expansion goes, just so you know kind of what motivated us, I got a couple of phone calls from two people, one at MGM, another guy that I know at Universal who were very happy to hear about this but said they had heard from the film buyer who it is Jeff Parker that if we were less screens than them, they might be looking to be a little more difficult than we'd like them to be. And the bank was comfortable based on the risk factors we presented to them. It was always our intent based on the extra acreage to move forward but we're moving ahead at this rate based on those calls which kind of generated everybody to get a little more comfortable. When they heard we can come in with 12 screens although less seats than Newburgh, more screens and right now the way the industry works, it's real by screens because the distributors like to think you're going nicely, might release one picture, they release, sounds ridiculous, the names, Flubber at Christmas. They have Mr. McGoo, their hopes for a multiplex, they're not looking to drop Flubber at Thanksgiving to play Mr. McGoo, they want you to play both pictures. When you have Flubber which might run out of gas by Christmas, they are looking for you to stay and you're looking to get out, so it creates problems.

MR. PETRO: I asked because why people would come in and do it so many times, sometimes you're trying to get something passed us and then they had something else later on.

MR. ANGELOTTI: To be honest with you, why we're not out there right now and hopefully right now we'll be done with Mr. Kenwood, what's been holding up the process has been the sewer because that is the one



component of our deal that is taking care of completely himself in trying to come up with a plan that pleased the site, Mr. Kenwood, the board, everyone was really an undertaking, it's taken so far two plumbers, a G.C., an engineer, an architect and we're still at a point now when we're finally ready to finish the final process of the sewer work but short of that, the eight screens we're ready to go.

MR. PETRO: Let's get down to the parking a little bit, obviously when you add this building, you're going to be removing a lot of spots, you're going to make up for that plus the additional 11,000 square feet.

MR. KARTIGANER: That's correct.

MR. PETRO: Mark, when you originally did the calculations, they were short on the parking spaces, but we had allowed some overlapping to take place, with the recreation of these new spots. Are they going to be back up to what we determined, how did you determine the spot, is it per seats in the theater?

MR. KARTIGANER: Yes, one every four seats.

MR. EDSALL: Then as well the calculation on the application looks at the entire complex and I think one of the benefits of them coming back in maybe we can do a little better job than we did on the other one and get it documented correctly. You're still going to have to give a waiver, I'm sure.

MR. PETRO: Still going to use the overlap idea but maybe not as much as we did the first time.

MR. EDSALL: So maybe in one of our field reviews that Mike and I normally do, we can include this and try to help get the documented correctly.

MR. PETRO: I'd like to see the number close the gap, in other words, if they need 700 spaces and we wind up a little short, they are going to overlap for 60 spaces instead of what are you short now?

MR. KARTIGANER: Our total required we need it at full

capacity, I just extended our parking chart full capacity another 660 seats, 160 spaces for 640 seats plus the ones we lost, the nuts and bolts are we need at the night use full capacity of the theater and the assumptions that we had agreed upon prior we need 520 seats, we provided 520 spaces, we provided 543 spaces, we have net overlap of I estimate 120 spaces overlap, the way I based overlap was at night if every single retail location was open every single movie seat was filled and every single parking space we'd have 121 spaces that we'd have as an overlap.

MR. PETRO: But you're increasing that number from the 87 that you originally had. What I want to do is do it in reverse. I want to get, you're making the problem to me larger, you're overlapping 120 spaces, we originally were overlapping 87 spaces.

MR. KARTIGANER: What I want to do is take a look at it from a very practical standpoint, the largest user of parking spaces by far in this complex is going to be the movie theaters. I mean you can see it physically or graphically on the drawings, it's not like the movie theaters are just one small portion of it. As far as the, even though we do show this as an overlap if everything is used all at the same time I think--

MR. PETRO: If I'm the owner of the liquor store and I want to stay open Thursday night until 12, my spots are going to be occupied, if you're at full capacity by cars in the movie theater. No two ways about it. And I would be pretty pissed, right, wouldn't you?

MR. ANGELOTTI: The only thing I can add to that honestly is that for this theater 1800 and I think we're 1842 in total seats, to get all 12 in full occupancy would be neat.

MR. PETRO: Need some good movies.

MR. ANGELOTTI: You'd be in a situation, I hear what you're saying, the number's going the wrong way, just keep in mind the center, although has been expanded, the front line or in-line stores still remain in tact so in theory, anything that we're adding on here in

but the topo comes over to about this area and we come out and this is sort of a ravine, it falls off, there's a stream, I want to stay away from that.

MR. PETRO: The little round area where you have some plantings, maybe fill that in, we'll re-look at some of the landscaping, just try to maximize it and I'm sure Mark is going to work with you on it, find out first about the detention pond whether you're going to need it or not, elevation on the sewer line, I think the sewer line would run lower on the further end or the property, maybe you can cross it further down and get more elevation.

MR. ANGELOTTI: We have to hit this invert.

MR. LUCAS: Is there a spur?

MR. KARTIGANER: There's no spur, we're going to have to tap in.

MR. PETRO: Why do you have to go there?

MR. KARTIGANER: Because this road's going down just for us to even get a two percent grade coming in.

MR. PETRO: Why can't you go further is what I'm saying.

MR. KARTIGANER: We can go further, we don't want to go too much further, there's a ravine.

MR. EDSALL: Might come out of the ground.

MR. KARTIGANER: Without doing some grading and fills right now we have it set with a hosue, maybe adjust it and move it over, but what may happen here, Joe was saying make the first phase, build this definitely we'll go with the first phase, but there's an existing building here, there's a house there, so we won't demolish this until we have to so we still have to, the way I came to the design, the initial design was to avoid the house.

MR. PETRO: You don't have to be a straight line you

terms of taking up the front parking space is really not going to be that relevant because the ratio of being totally full, whether it's a Friday night, the day after Thanksgiving it's kind of hard because everything over here, if you equate just to this you're kind of right back where you started from in the front in terms of that Saturday night Sunday afternoon.

MR. LUCAS: You're still all entering from the front.

MR. ANGELOTTI: There's no rear entrance.

MR. KARTIGANER: In fact, what we have, Jim, is that we have a retail, straight retail and back to the theater which are all pretty much office occupations taking up 118 spaces, we have had on the previous application, we had come very close, we had total required and total provided, we have a small lower spread what was that? Total required was 360 so 47, well, actually we shrunk it but--

MR. PETRO: The three of us are just discussing the green area that is left even where the detention pond is, I don't know the topo there or what needs to be done, why can't you not add some more parking?

MR. KARTIGANER: We can add some more parking.

MR. PETRO: And the green area in between the two parking spots which the property line goes through now why not close that up and make it back to, I see no purpose for that whatsoever.

MR. LANDER: Might be the elevations.

MR. PETRO: I would explore every idea to get more parking.

MR. EDSALL: The whole idea of presubmission conference is to hear what you're saying. Scott hasn't done the drainage study yet. So we don't know how big the basin has to be, if he needs it at all. We understand you want to eliminate the green area, expand it.

MR. PETRO: I don't see the purpose for that.

MR. EDSALL: You'd like to minimize the overlap..

MR. ANGELOTTI: If we can regain the parking spaces that we have, the last 15 spaces are lost because of the expansion and gain, by going into the green area we're back at square one.

MR. PETRO: I don't want to make the problem worse. I understand that you are not because the odds of all of them being full but we're trying to accommodate by using this overlap idea and I don't know, approve an idea, let's put it that way, so I'm asking you to try to accommodate us by exploring the idea to get more parking.

MR. KARTIGANER: We're not, the reason we're here is presubmission, is what the gut feeling of everybody is, everybody has lived here all their life and we'll have a movie theater over here, but it's not like prime traffic location like Newburgh Mall or some of these other areas or Vails Gate, it's a less trafficked area during the day or even at night. I think at night, it's not going to be, they'll maybe have restaurants, things like that, but we don't want to put too much more parking than we feel is necessary.

MR. PETRO: Same idea when you figure out the tonnage on the bridge, if it could hold that much, the odds of every truck being on the bridge at the same time but it still has to hold the weight. That is the assumption you have to take here. You could fill up the theaters and no one can come in and buy my liquor.

MR. ANGELOTTI: Conversely, you can easily add the number of parking spaces that we lost because of the expansion in the green area. Would the board be receptive to bring that number back versus going in excess of that?

MR. PETRO: I would think we already accepted it just a couple months ago. If you can make it even better, it's better and you may be able to do that.

MR. KARTIGANER: Unfortunately, we don't have the topo

know.

MR. LUCAS: You're still going through Phase 1, you're working on the theaters?

MR. ANGELOTTI: We're done, we're ready to begin literally it's the sewer which is holding up the whole thing. That brings us to another point is the sewer that we have shown here as well as this water line, how are we approaching that since that is, how do you want to handle that?

MR. PETRO: You're going to have to say it again.

MR. KARTIGANER: Question is we're looking at it from straight building permit requirements for fire code putting in a water line to service two fire hydrants, wasn't on our initial site plan because there was no fire hydrants.

MR. PETRO: An actual hydrant?

MR. KARTIGANER: Yes,

MR. EDSALL: How what's handled?

MR. KARTIGANER: Well, it doesn't have to be approved by the planning board.

MR. KRIEGER: Field change or we have to have a site plan amendment.

MR. EDSALL: Correct me, gentlemen, if I am wrong, if the fire inspector has requested hydrants and the applicant decides to add those, you're not going to object if we had that as a field change for this first phase.

MR. PETRO: Absolutely not.

MR. ANGELOTTI: As far as the sewer goes, what about that?

MR. EDSALL: Same deal, I would assume.

MR. PETRO: No problem.

MR. ARGENIO: Is there lighting, I can't see it from here?

MR. ANGELOTTI: Yeah, we have site lighting called out in the auxiliary lot.

MR. LUCAS: Have you started any construction?

MR. ANGELOTTI: Just the asbestos being removed.

MR. BABCOCK: They have a building permit for the approved plan that they have now begun.

MR. LUCAS: Can you start, that is what I am saying?

MR. ANGELOTTI: We did but the only thing holding us up was the sewer.

MR. LUCAS: So that as if it was two phases, the one that you are showing in the road over there is the addition so you can work on the first part and then--

MR. ANGELOTTI: The way it's been designed through Mario is that the 8 screens we're hoping to have open now but with all the delays hopefully last week in March, first week in April but we're not going to have to shut down the existing eight to do this.

MR. LUCAS: Okay, fine.

MR. EDSALL: One other thing I want to let, that we talked about at the workshop, one of the other discussion items at the presubmission conference was the fact that some changes may be needed to the building itself to anticipate this expansion and they wanted to again addressing those modifications with the building inspector and have some level of comfort that in general you're going to move forward on this other portion.

MR. ANGELOTTI: We have a stair, a required exit stair here for the expansion and our present mode we're inside the building which of course won't work if we

have the expansion here so instead of doing work twice, we'd like to know now.

MR. EDSALL: Obviously, Mike is going to have to go over all the details, but the other question I want to get does the board have any problem with Mike beginning to make those adjustments?

MR. PETRO: The indication of the members and myself everybody likes this project, they have from the start, obviously we can't guarantee you a final approval until we see the plans and you go through due process. Do we like it, I know I do, I think I'm speaking for everybody, if everything is done properly, you can fit the proper amount of parking, drainage is fine, lighting fine, landscaping is fine, setbacks is fine, it's a go. If you don't meet any of those and there is a problem, it's not a go, but you won't have a problem with the board. I always say this, the board's not here to say yes or no, but how. If you can show us how it's going to be done, you'll get a final approval.

MR. EDSALL: They are kind of proceeding at their own risk but with a little level of comfort.

MR. ANGELOTTI: As far as a public hearing anyway, we can get away with that on this go around?

MR. PETRO: No, no, not as far as I'm concerned. You're really as he said before you have residential right over here on the end of that green, it's a major expansion, so I think we'd be foolish not to go through with that.

MR. LUCAS: You didn't have any objections last time.

MR. ANGELOTTI: Nobody showed up.

MR. PETRO: We'll schedule you, quick meeting every two weeks.

MR. BABCOCK: Except this month. What you can do is I don't know whether you want to set him up for a public hearing now or not because it will be middle of January before you can do that.





# TOWN OF NEW WINDSOR

555 UNION AVENUE  
NEW WINDSOR, NEW YORK 12553

## NEW WINDSOR PLANNING BOARD REVIEW FORM

TO: FIRE INSPECTOR, D.O.T., WATER, SEWER, HIGHWAY

PLEASE RETURN COMPLETED FORM TO:

MYRA MASON, SECRETARY FOR THE PLANNING BOARD

PLANNING BOARD FILE NUMBER:

98-3

DATE PLAN RECEIVED:

RECEIVED JAN 26 1998

The maps and plans for the Site Approval \_\_\_\_\_

Subdivision \_\_\_\_\_ as submitted by \_\_\_\_\_

\_\_\_\_\_ for the building or subdivision of \_\_\_\_\_

Squire Village Shopping Center has been  
reviewed by me and is approved ☒

~~disapproved~~ \_\_\_\_\_

If ~~disapproved~~, please list reason \_\_\_\_\_

Water feeding this building - no  
Problem upgrading water line -  
Call water dept - if advice needed

HIGHWAY SUPERINTENDENT

DATE

Steve D. Doo  
WATER SUPERINTENDENT

DATE

SANITARY SUPERINTENDENT

DATE

# MEMO

To: New Windsor Planning Board

From: Town Fire Inspector

Subject: Destina Theaters

Date: 28 January 1998

Planning Board Reference Number: PB-98-8

Dated: 26 January 1998

Fire Prevention Reference Number: FPS-98-007

A review of the above referenced subject site plan was conducted on 28 January 1998.

This site plan is acceptable, provided the new 6" water main line leading to the two (2) new fire hydrants is increased in size to eight (8) inches as discussed in the workshop meeting.

Plans Dated: 18 January 1998 Revision 6

A handwritten signature in black ink, appearing to read 'R. F. Rodgers', is written over a horizontal line.

Robert F. Rodgers; C.C.A.



McGOEY, HAUSER and EDSALL  
CONSULTING ENGINEERS P.C.

RICHARD D. McGOEY, P.E.  
WILLIAM J. HAUSER, P.E.  
MARK J. EDSALL, P.E.

- ☐ Main Office  
45 Quassaick Ave. (Route 9W)  
New Windsor, New York 12553  
(914) 562-8640
- ☐ Branch Office  
400 Broad Street  
Milford, Pennsylvania 18337  
(717) 296-2765

PLANNING BOARD WORK SESSION  
RECORD OF APPEARANCE

TOWN/VILLAGE OF New Windsor P/B # 98-3

WORK SESSION DATE: 21 JAN 98

APPLICANT RESUB.  
REQUIRED:

REAPPEARANCE AT W/S REQUESTED: Not now

new plans

PROJECT NAME: Squire Village

PROJECT STATUS: NEW        OLD       

REPRESENTATIVE PRESENT: Scott K. / Joe Angelotti

MUNIC REPS PRESENT: BLDG INSP.         
FIRE INSP. RICH  
ENGINEER X  
PLANNER         
P/B CHMN.         
OTHER (Specify)       

ITEMS TO BE ADDRESSED ON RESUBMITTAL:

- drainage - Scott / PJH
- lighting - awaiting CHGE
- parking table resolved
- site improvement estimate (update old)
- SEOLA - once drainage

4MJE91 pbwsform



McGOEY, HAUSER and EDSALL  
CONSULTING ENGINEERS P.C.

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- ☐ Branch Office  
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Milford, Pennsylvania 18337  
(717) 296-2765

**PLANNING BOARD WORK SESSION  
RECORD OF APPEARANCE**

1-3

TOWN/VILLAGE OF

New Windsor

P/B #

98 - 3

WORK SESSION DATE:

7 Jan 98

APPLICANT RESUB.

REQUIRED:

Yes Full App

REAPPEARANCE AT W/S REQUESTED:

yes 1/21

PROJECT NAME:

Destina Theater Amendment

PROJECT STATUS:

NEW

OLD

REPRESENTATIVE PRESENT:

Scott / Davis / Joe

MUNIC REPS PRESENT:

BLDG INSP.

FIRE INSP.

ENGINEER

PLANNER

P/B CHMN.

OTHER (Specify)

ITEMS TO BE ADDRESSED ON RESUBMITTAL:

- row of c/s @ last row
- slope up flr 10' last 30'
- decompose manhole for sewer
- mt. 1/20
- P/H 2/11
- w/s 2/15

4MJ91 pbwsform

201,703,0994

**APPLICANT/OWNER PROXY STATEMENT**  
**(for professional representation)**

for submittal to the:  
TOWN OF NEW WINDSOR PLANNING BOARD

FRANKLIN ASSOC. / MARTIN KENWOOD, deposes and says that he resides  
(OWNER)

at GARROTT MT. PLAZA 3<sup>RD</sup> FLOOR in the County of X  
(OWNER'S ADDRESS)

and State of X and that he is the owner of property tax map

(Sec. 21 Block 1 Lot 53.1)  
designation number (Sec. 21 Block 1 Lot 53.3) which is the premises described in

the foregoing application and that he authorizes:

DESTINTA THEATRES  
(Applicant Name & Address, if different from owner)

SCOTT KARTIGANER PE.  
(Name & Address of Professional Representative of Owner and/or Applicant)

to make the foregoing application as described therein.

X Date: 1-28-98

X Myra Mason  
Witness' Signature

X  
Owner's Signature  
[Signature]  
Applicant's Signature if different than owner  
Scott Kartiganer PE.  
Representative's Signature

**THIS FORM CANNOT BE WITNESSED BY THE PERSON OR  
REPRESENTATIVE OF THE COMPANY WHO IS BEING AUTHORIZED  
TO REPRESENT THE APPLICANT AND/OR OWNER AT THE MEETINGS.**

01/28/1998 16:25 914-563-4693

TOWN OF NEW WINDSOR

PAGE 02

201,703,0994

**APPLICANT/OWNER PROXY STATEMENT**  
**(for professional representation)**for submittal to the:  
TOWN OF NEW WINDSOR PLANNING BOARDFRANKLIN ASSOC. / MARTIN S. KENWOOD  
(OWNER), deposes and says that he residesat GARROTT MT. PLAZA 3<sup>rd</sup> Floor in the County of RASSAK  
(OWNER'S ADDRESS)and State of X NJ and that he is the owner of property tax map(Sec. 21 Block 1 Lot 53.1)  
designation number (Sec. 21 Block 1 Lot 53.3) which is the premises described in  
the foregoing application and that he authorizes:DESTINIA THEATERS  
(Applicant Name & Address, if different from owner)SCOTT KARTIGANER PE.  
(Name & Address of Professional Representative of Owner and/or Applicant)

to make the foregoing application as described therein.

X Date: 1/28/98[Signature]  
Witness' SignatureX [Signature]  
Owner's Signature[Signature]  
Applicant's Signature if different than owner  
[Signature] PE.  
Representative's Signature**THIS FORM CANNOT BE WITNESSED BY THE PERSON OR  
REPRESENTATIVE OF THE COMPANY WHO IS BEING AUTHORIZED  
TO REPRESENT THE APPLICANT AND/OR OWNER AT THE MEETINGS.**

9. Is this property within an Agricultural District containing a farm operation or within 500 feet of a farm operation located in an Agricultural District? Yes \_\_\_\_\_ No X

**\*This information can be verified in the Assessor's Office.**

**\*If you answer "yes" to question 9, please complete the attached "Agricultural Data Statement".**

10. Description of Project: (Use, Size, Number of Lots, etc.) 11750 SF ADDITION  
TO DESTINYA THEATERS - 640 SEATS -  
+ NEW PARKING ON ADJACENT LOT - LOT LINE  
TO BE ELIMINATED & PARKING COMBINED

11. Has the Zoning Board of Appeals Granted any Variances for this property? yes X no \_\_\_\_\_  
SIGN

12. Has a Special Permit previously been granted for this property? yes \_\_\_\_\_ no X

#### ACKNOWLEDGMENT:

IF THIS ACKNOWLEDGMENT IS COMPLETED BY ANYONE OTHER THAN THE PROPERTY OWNER, A SEPARATE NOTARIZED STATEMENT OR PROXY STATEMENT FROM THE OWNER MUST BE SUBMITTED, AT THE TIME OF APPLICATION, AUTHORIZING THIS APPLICATION.

STATE OF NEW YORK)

SS.:

COUNTY OF ORANGE)

THE UNDERSIGNED APPLICANT, BEING DULY SWORN, DEPOSES AND STATES THAT THE INFORMATION, STATEMENTS AND REPRESENTATIONS CONTAINED IN THIS APPLICATION AND SUPPORTING DOCUMENTS AND DRAWINGS ARE TRUE AND ACCURATE TO THE BEST OF HIS/HER KNOWLEDGE AND/OR BELIEF. THE APPLICANT FURTHER ACKNOWLEDGES RESPONSIBILITY TO THE TOWN FOR ALL FEES AND COSTS ASSOCIATED WITH THE REVIEW OF THIS APPLICATION.

SWORN BEFORE ME THIS:

28<sup>th</sup> DAY OF January 19 98

[Signature]  
APPLICANT'S SIGNATURE

Mary Ann Hotaling  
NOTARY PUBLIC

MARY ANN HOTALING  
Notary Public, State of New York  
No. 01HO5062877  
Qualified in Orange County  
Commission Expires July 8, 1998

JOSEPH D ANGELOTTI  
Please Print Applicant's Name as Signed

\*\*\*\*\*

TOWN USE ONLY:

DATE APPLICATION RECEIVED \_\_\_\_\_

APPLICATION NUMBER \_\_\_\_\_



1763

# TOWN OF NEW WINDSOR

555 UNION AVENUE  
NEW WINDSOR, NEW YORK 12553  
Telephone: (914) 563-4615  
Fax: (914) 563-4693

98 - 3  
RECEIVED JAN 21 1998

## PLANNING BOARD APPLICATION

### TYPE OF APPLICATION (check appropriate item):

Subdivision \_\_\_\_\_ Lot Line Change \_\_\_\_\_ Site Plan ☒ Special Permit \_\_\_\_\_

Tax Map Designation: Sec. 23 Block 1 Lot S3.1, 2

1. Name of Project DESTANTA THEATERS 11750 SF ADDITION

2. Owner of Record FRANKLIN WESSER Phone 973-278-2200

Address: GARROTT Mt. Plaza 8th Floor W. Patterson, NJ 07424-3327  
(Street Name & Number) (Post Office) (State) (Zip)

3. Name of Applicant DESTANTA THEATERS Phone 212-861-8871

Address: 125 EAST 71ST ST. NYC. NY. 10021  
(Street Name & Number) (Post Office) (State) (Zip)

4. Person Preparing Plan SCOTT KARTIGANER PE. Phone 800 514 8098

Address: 555 BLOOMING GROVE TPK NEW WINDSOR NY 12553  
(Street Name & Number) (Post Office) (State) (Zip)

5. Attorney \_\_\_\_\_ Phone \_\_\_\_\_

Address \_\_\_\_\_  
(Street Name & Number) (Post Office) (State) (Zip)

6. Person to be notified to appear at Planning Board meeting:

SCOTT KARTIGANER 800 346 6610  
(Name) (Phone)

7. Project Location:

On the EAST side of CROSSBARK AVE 100' feet  
(Direction) (Street) (No.)  
SOUTH of UNION AVE.  
(Direction) (Street)

8. Project Data: Acreage 9.25 A Zone \_\_\_\_\_ School Dist. NEWBURGH



## PLANNING BOARD APPLICATION SUBMITTAL CHECKLIST

The following items are to be returned to the Planning Board Secretary, complete as a package, to make application to appear before the Planning Board:

### CHECK OFF

1. Completed Page 1 and 2 of Application form. \_\_\_\_\_
2. Agricultural Data Statement (If you answer "yes" to #9 on application) NA
3. Applicant/Owner Proxy Statement (**MUST HAVE**). \_\_\_\_\_
4. Applicable completed "Check List" for subdivision/L.L. Chg. or Site Plan \_\_\_\_\_
5. Short Form EAF (Unless instructed to prepare long form). \_\_\_\_\_
6. Flood Hazard Area Development Application. \_\_\_\_\_
7. **SEPARATE CHECKS AS FOLLOWS:** (Choose appropriate category for your project)

### SITE PLANS: (INCLUDING SPECIAL PERMIT)

Two Separate Checks: (One check for application fee and separate check for escrow amount)

Application fee.....	\$100.00	<u>100</u>
Escrow (\$750.00 - \$2,000.00) amount set at workshop \$ <u>750</u>		<u>750</u>
(Additional escrow due for multi-family dwellings)		

### SUBDIVISIONS:

Two Separate Checks: (One check for application fee and separate check for escrow amount)

Application Fee...(minor subdivision only).....	\$ 50.00	_____
Application Fee...(major subdivision only).....	\$100.00	_____

Escrow:

**Residential:** \$150.00 for first 4 lots  
\$ 75.00 for each additional lot - Total: \$ \_\_\_\_\_

**Commercial:** \$ 400.00 for first 4 lots  
\$ 200.00 for each additional lot - Total: \$ \_\_\_\_\_

### LOT LINE CHANGE:

Two Separate Checks: (One check for application fee and separate check for escrow amount)

Application fee.....	\$50.00	<u>50</u>
Escrow...(\$150.00 - \$400.00) amount set at workshop.....	\$ <u>150</u>	<u>150</u>

**PLEASE NOTE: ADDITIONAL FEES DUE UPON COMPLETION OF  
PLANNING BOARD REVIEW.**

*TOWN OF NEW WINDSOR PLANNING BOARD*

*SITE PLAN CHECKLIST*

ITEM

1. ☒ Site Plan Title
2. ☒ Applicant's Name(s)
3. ☒ Applicant's Address
4. ☒ Site Plan Preparer's Name
5. ☒ Site Plan Preparer's Address
6. ☒ Drawing Date
7. ☒ Revision Dates
8. ☒ Area Map Inset
9. ☒ Site Designation
10. ☒ Properties within 500' of site
11. ☒ Property Owners (Item #10)
12. ☒ Plot Plan
13. ☒ Scale (1" = 50' or lesser)
14. ☒ Metes and Bounds
15. ☒ Zoning Designation
16. ☒ North Arrow
17. ☒ Abutting Property Owners
18. ☒ Existing Building Locations
19. ☒ Existing Paved Areas
20. ☒ Existing Vegetation
21. ☒ Existing Access & Egress

## PROPOSED IMPROVEMENTS

- 22. ☒ Landscaping
- 23. ☒ Exterior Lighting
- 24. ☒ Screening
- 25. ☒ Access & Egress
- 26. ☒ Parking Areas
- 27. ☒ Loading Areas
- 28. ☒ Paving Details (Items 25 - 27)
- 29. ☒ Curbing Locations
- 30. ☒ Curbing through section
- 31. ☒ Catch Basin Locations
- 32. ☒ Catch Basin Through Section
- 33. ☒ Storm Drainage
- 34. ☒ Refuse Storage
- 35. ☒ Other Outdoor Storage
- 36. ☒ Water Supply
- 37. ☒ Sanitary Disposal System
- 38. ☒ Fire Hydrants
- 39. ☒ Building Locations
- 40. ☒ Building Setbacks
- 41. ☒ Front Building Elevations
- 42. ☒ Divisions of Occupancy
- 43. ☒ Sign Details
- 44. ☒ Bulk Table Inset
- 45. ☒ Property Area (Nearest 100 sq. ft.)
- 46. ☒ Building Coverage (sq. ft.)
- 47. ☒ Building Coverage (% of total area)
- 48. ☒ Pavement Coverage (sq. ft.)
- 49. ☒ Pavement Coverage (% of total area)
- 50. ☒ Open Space (sq. ft.)
- 51. ☒ Open Space (% of total area)
- 52. ☒ No. of parking spaces proposed
- 53. ☒ No. of parking spaces required

REFERRING TO QUESTION 9 ON THE APPLICATION FOR "IS THIS PROPERTY WITHIN AN AGRICULTURAL DISTRICT CONTAINING A FARM OPERATION OR WITHIN 500 FEET OF A FARM OPERATION LOCATED IN AN AGRICULTURAL DISTRICT, PLEASE NOTE THE FOLLOWING:

54. \_\_\_\_\_ Referral to Orange County Planning Dept. is required for all applicants filing AD Statement.
55. \_\_\_\_\_ A disclosure Statement, in the form set below, must be inscribed on all subdivision maps prior to the affixing of a stamp of approval, whether or not the Planning Board specifically requires such a statement as a condition of approval.

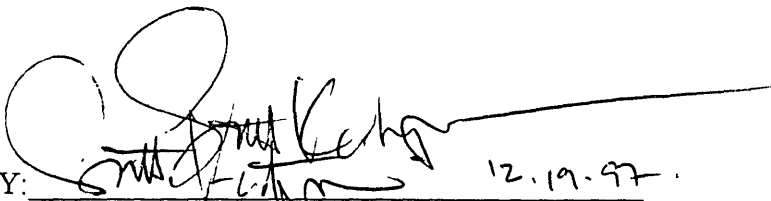
"Prior to the sale, lease, purchase, or exchange of property on this site which is wholly or partially within or immediately adjacent to or within 500 feet of a farm operation, the purchaser or leaser shall be notified of such farm operation with a copy of the following notification.

It is the policy of this State and this community to conserve, protect and encourage the development and improvement of agricultural land for the production of food, and other products, and also for its natural and ecological value. This notice is to inform prospective residents that the property they are about to acquire lies partially or wholly within an agricultural district or within 500 feet of such a district and that farming activities occur within the district. Such farming activities may include, but not be limited to, activities that cause noise, dust and odors.

This list is provided as a guide only and is for the convenience of the Applicant. The Town of New Windsor Planning Board may require additional notes or revisions prior to granting approval.

***PREPARER'S ACKNOWLEDGMENT:***

THE PLAT FOR THE PROPOSED SUBDIVISION HAS BEEN PREPARED IN ACCORDANCE WITH THIS CHECKLIST AND THE TOWN OF NEW WINDSOR ORDINANCES, TO THE BEST OF MY KNOWLEDGE.

BY:  12.19.97  
Licensed Professional Date

PROJECT I.D. NUMBER

617.21

SEQR

## Appendix C

## State Environmental Quality Review

## SHORT ENVIRONMENTAL ASSESSMENT FORM

For UNLISTED ACTIONS Only

## PART I—PROJECT INFORMATION (To be completed by Applicant or Project sponsor)

1. APPLICANT /SPONSOR <u>DESTINYA THEATERS</u>	2. PROJECT NAME <u>SOBEE VILLAGE SHOPPING CENTER</u>
3. PROJECT LOCATION: Municipality <u>TOWN OF NEW WINDSOR</u> County <u>ORANGE</u> <u>11750 SE ADDITIONAL</u> <u>AUXILIARY PARKING</u>	
4. PRECISE LOCATION (Street address and road intersections, prominent landmarks, etc., or provide map) <u>200 FT SOUTH OF UNION AVE ON QUASSAICK AVE</u> <u>IN THE TOWN OF NEW WINDSOR ON THE EAST</u> <u>SIDE OF QUASSAICK AVE.</u>	
5. IS PROPOSED ACTION: <input type="checkbox"/> New <input checked="" type="checkbox"/> Expansion <input checked="" type="checkbox"/> Modification/alteration	
6. DESCRIBE PROJECT BRIEFLY: <u>ADDING 11,750 SF TO FORMER GROCERY STORE FOR</u> <u>USE AS AN ADDITION TO A MOVIE THEATER PREVIOUSLY</u> <u>DEVELOPED AT THE SITE. EXPANDING THE PARKING AREA</u> <u>FOR CENTER</u>	
7. AMOUNT OF LAND AFFECTED: Initially <u>2</u> acres Ultimately <u>2</u> acres	
8. WILL PROPOSED ACTION COMPLY WITH EXISTING ZONING OR OTHER EXISTING LAND USE RESTRICTIONS? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If No, describe briefly	
9. WHAT IS PRESENT LAND USE IN VICINITY OF PROJECT? <input checked="" type="checkbox"/> Residential <input type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input type="checkbox"/> Agriculture <input type="checkbox"/> Park/Forest/Open space <input type="checkbox"/> Other Describe: <u>COMMERCIAL PROPERTY BOUNDED BY RESIDENTIAL</u> <u>PROPERTIES ON EAST (SINGLE FAMILY) &amp; MULTI-FAMILY</u> <u>LOCATIONS ON SOUTH.</u>	
10. DOES ACTION INVOLVE A PERMIT APPROVAL, OR FUNDING, NOW OR ULTIMATELY FROM ANY OTHER GOVERNMENTAL AGENCY (FEDERAL, STATE OR LOCAL)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, list agency(s) and permit/approvals	
11. DOES ANY ASPECT OF THE ACTION HAVE A CURRENTLY VALID PERMIT OR APPROVAL? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, list agency name and permit/approval	
12. AS A RESULT OF PROPOSED ACTION WILL EXISTING PERMIT/APPROVAL REQUIRE MODIFICATION? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE	
Applicant/sponsor name: <u>SCOTT KARTIGANOFF FOR DESTINYA</u>	Date: <u>12.19.97</u>
Signature: <u>[Signature]</u>	

If the action is in the Coastal Area, and you are a state agency, complete the Coastal Assessment Form before proceeding with this assessment

OVER

**PART II—ENVIRONMENTAL ASSESSMENT (To be completed by Agency)**

<b>A. DOES ACTION EXCEED ANY TYPE I THREE-DIGIT IN 6 NYCRR, PART 617.12?</b> If yes, coordinate the review process and use the FULL EAF. <input type="checkbox"/> Yes <input type="checkbox"/> No
<b>B. WILL ACTION RECEIVE COORDINATED REVIEW AS PROVIDED FOR UNLISTED ACTIONS IN 6 NYCRR, PART 617.6?</b> If No, a negative declaration may be superseded by another involved agency. <input type="checkbox"/> Yes <input type="checkbox"/> No
<b>C. COULD ACTION RESULT IN ANY ADVERSE EFFECTS ASSOCIATED WITH THE FOLLOWING:</b> (Answers may be handwritten, if legible) C1. Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic patterns, solid waste production or disposal, potential for erosion, drainage or flooding problems? Explain briefly:     C2. Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character? Explain briefly:     C3. Vegetation or fauna, fish, shellfish or wildlife species, significant habitats, or threatened or endangered species? Explain briefly:     C4. A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources? Explain briefly:     C5. Growth, subsequent development, or related activities likely to be induced by the proposed action? Explain briefly:     C6. Long term, short term, cumulative, or other effects not identified in C1-C5? Explain briefly:     C7. Other impacts (including changes in use of either quantity or type of energy)? Explain briefly:     
<b>D. IS THERE, OR IS THERE LIKELY TO BE, CONTROVERSY RELATED TO POTENTIAL ADVERSE ENVIRONMENTAL IMPACTS?</b> <input type="checkbox"/> Yes <input type="checkbox"/> No    If Yes, explain briefly

**PART III—DETERMINATION OF SIGNIFICANCE (To be completed by Agency)**

**INSTRUCTIONS:** For each adverse effect identified above, determine whether it is substantial, large, important or otherwise significant. Each effect should be assessed in connection with its (a) setting (i.e. urban or rural); (b) probability of occurring; (c) duration; (d) irreversibility; (e) geographic scope; and (f) magnitude. If necessary, add attachments or reference supporting materials. Ensure that explanations contain sufficient detail to show that all relevant adverse impacts have been identified and adequately addressed.

- ☐ Check this box if you have identified one or more potentially large or significant adverse impacts which **MAY** occur. Then proceed directly to the FULL EAF and/or prepare a positive declaration.
- ☐ Check this box if you have determined, based on the information and analysis above and any supporting documentation, that the proposed action **WILL NOT** result in any significant adverse environmental impacts **AND** provide on attachments as necessary, the reasons supporting this determination:

\_\_\_\_\_  
Name of Lead Agency

\_\_\_\_\_  
Print or Type Name of Responsible Officer in Lead Agency

\_\_\_\_\_  
Title of Responsible Officer

\_\_\_\_\_  
Signature of Responsible Officer in Lead Agency

\_\_\_\_\_  
Signature of Preparer (If different from responsible officer)

\_\_\_\_\_  
Date